

THURSDAY, APRIL 25, 1996

EIGHTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative West.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Boyer; business reasons.

Representative Phillips; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 217: Rep(s). Williams(Union), Kisber, White, Fitzhugh and Herron as prime sponsor(s).

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House Joint Resolution No. 277: Rep(s). McMillan as prime sponsor(s).

House Resolution No. 305: Rep(s). Fowlkes as prime sponsor(s).

House Joint Resolution No. 544: Rep(s). Garrett as prime sponsor(s).

House Joint Resolution No. 633: Rep(s). Walley as prime sponsor(s).

House Bill No. 47: Rep(s). Kent, Cole(Carter), McDaniel and Bittle as prime sponsor(s).

House Bill No. 697: Rep(s). Cole(Dyer), Roach, Patton, Duer, Williams(Union), Herron, White, Dunn, Bell and Givens as prime sponsor(s).

House Bill No. 2050: Rep(s). Williams(Union) as prime sponsor(s).

House Bill No. 2290: Rep(s). Williams(Union), Curtiss, Rhinehart, Cole(Dyer), Rigsby, Givens, Winningham, McDonald, Davidson, Pinion, McMillan, Lewis, Robinson, Fowlkes, Bragg, Garrett, Cross, Tindell, Byrd, Rinks, Stulce, Armstrong, Phelan, Jackson, Williams(Williamson), White, Herron, Ridgeway, Fitzhugh and Joyce as prime sponsor(s).

House Bill No. 2345: Rep(s). Bittle as prime sponsor(s).

House Bill No. 2359: Rep(s). Langster as prime sponsor(s).

House Bill No. 2381: Rep(s). Curtiss and Stulce as prime sponsor(s).

House Bill No. 2388: Rep(s). Buck, Winningham and Cantrell as prime sponsor(s).

House Bill No. 2425: Rep(s). Williams(Union) as prime sponsor(s).

House Bill No. 2485: Rep(s). Langster and DeBerry L as prime sponsor(s).

House Bill No. 2524: Rep(s). Langster and Brooks as prime sponsor(s).

House Bill No. 2670: Rep(s). Ramsey as prime sponsor(s).

House Bill No. 2829: Rep(s). Langster as prime sponsor(s).

House Bill No. 3034: Rep(s). Tindell, Williams(Union) and Hassell as prime sponsor(s).

House Bill No. 3166: Rep(s). Williams(Union) as prime sponsor(s).

House Bill No. 3205: Rep(s). Fowlkes, Callicott and Turner(Hamilton) as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Ritchie was/were removed as sponsor(s) of **House Bill No. 2637**.

SIGNED
April 24, 1996

The Speaker signed the following: Senate Bill(s) No(s). 768, 2058, 2094, 2161, 2163, 2394, 2514, 2605, 2621, 2645, 2720 and 2984; also, Senate Joint Resolution(s) No(s). 43, 357, 433, 434, 435, 436, 437, 438, 441, 442, 443, 445, 453, 455, 457 and 463.

MESSAGE FROM THE SENATE
April 24, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1563. The Senate nonconcurred in House Amendment(s) No(s). 1, 2, 3 and 4

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1981. The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 3 and 4. The Speaker appointed a Conference Committee composed of Senators Ford, Dixon and Rochelle to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 1981.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 24, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 448.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 24, 1996

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 2010, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2364; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2534; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2289; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 444, 570, 572, 573, 574, 575, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 592 and 593; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2431, 2512, 2589, 2642, 2731, 2755, 2758, 2765, 2891, 2918, 2975, 3031, 3091, 3092 and 3221; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s).491; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 24, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2562, 2581, 2795, 2825, 2860, 2862 and 3295, with his approval.

HARDY MAYS, Counsel to the Governor.

SIGNED

April 24, 1996

The Speaker signed the following: Senate Joint Resolution(s) No(s). 491.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1975, 2179, 2207, 2224, 2441, 2702 and 3005; also, Senate Joint Resolution(s) No(s). 452, 454, 456, 458, 459, 460, 461, 467, 468, 469, 471, 472, 473, 474, 475, 476, 479, 480, 481, 482, 483, 484, 485, 486, 487, 489 and 490; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 77, 342, 1876, 1973, 1982, 2017, 2076, 2077, 2101, 2188, 2192, 2212, 2287, 2326, 2330, 2422, 2423, 2454, 2481, 2584, 2789, 2910, 2980, 3060, 3173 and 3179; also, House Joint Resolution(s) No(s). 431, 469 and 571; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 186, 403, 415, 458, 461, 463, 464, 590, 591, 594, 595, 596, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619 and 620; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2883. The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2010. The Senate lifted the tabling motion; reconsidered passage of the bill; adopted Amendment No. 3; then repassed the bill on third and final consideration as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 525, 621, 622, 623, 624 and 625; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 24, 1996

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 77, 342, 1876, 1973, 1982, 2017, 2076, 2077, 2101, 2188, 2192, 2212, 2287, 2326, 2330, 2422, 2423, 2454, 2481, 2584, 2789, 2910, 2980, 3060, 3173, 3179, 431, 469 and 571

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3278, 3308, 3309, 3310, 3312, 3313, 3314, 3315, 3316, 3317, 3319, 3324, 3327, 3328, 3329 and 3330; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 402, 422, 423, 439, 440, 446, 477, 504, 506, 507, 509, 510, 511, 512 and 513; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 402 --** Highway Signs - "Sparks-Garner-Sawyer Memorial Bridge," new bridge over Duck River on S.R. 50, Hickman County. by *Springer.

***Senate Joint Resolution No. 422 --** General Assembly, Studies - Creates special joint committee to study dispensing of legend drugs, narcotics and controlled substances. by *Harper, *Dixon, *Cohen.

***Senate Joint Resolution No. 423 --** Highway Signs - "Malugin Nickell and Sharon Chandler Armstrong Bridge," Beaver Dam Creek, S.R. 50, Hickman County. by *Springer.

***Senate Joint Resolution No. 439 --** General Assembly, Studies - Creates special joint committee to study pensions and other forms of deferred compensation and dispersal of such benefits. by *O'Brien, *Dixon.

***Senate Joint Resolution No. 440 --** Highway Signs - "Concordia Methodist Episcopal Church, South," Highway 70, Braeden; "Davis/Cypress Methodist Episcopal Church, South," Highway 59, Longtown. by *Wilder.

***Senate Joint Resolution No. 446 --** General Assembly, Studies - Establishes joint legislative study committee to examine issues relating to special and cultural license plates. by *Haun, *Cohen.

***Senate Joint Resolution No. 477--** General Assembly, Studies - Creates special joint committee to study issues relative to selection and use of special and pro tempore judges. by *Person.

Senate Joint Resolution No. 504 -- Memorials, Interns - Alvin Jay Williams. by *Cohen.

Senate Joint Resolution No. 506 -- Memorials, Congratulations - Ed "Apollo" Harlan, Winner of the Second Annual Mule Day Chariot Races. by *Jordan.

Senate Joint Resolution No. 507 -- Memorials, Interns - Staci Ann Myers. by *O'Brien.

Senate Joint Resolution No. 509 -- Memorials, Public Service - Roy Messer. by *Wallace.

Senate Joint Resolution No. 510 -- Memorials, Recognition and Thanks - Sister Kiwanis "Kitty" Hockett, Born Again Church. by *Harper.

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Senate Joint Resolution No. 511 -- Memorials, Death - Ila Morgan Gooch. by *Wallace.

Senate Joint Resolution No. 512 -- Memorials, Death - Nelle Mize Wallace. by *Wallace.

Senate Joint Resolution No. 513 -- Memorials, Public Service - Charles Wesley "Charlie" DuRall, Senate Sergeant-At-Arms. by *Hamilton.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2034, 2417, 2772, 2790, 2864, 2866, 2945 and 3002; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2034** -- Fire Prevention and Investigation - Revises requirements for county and municipal building and fire inspectors to be exempt from testing requirements; reduces experience requirements from seven to four years and age requirement from 60 to 50 years. Amends TCA Section 68-120-113. by *O'Brien.

Senate Bill No. 2417 -- Animals - Creates Class A misdemeanor offense of aggravated cruelty to animal. Amends TCA Section 39-14-202. by *Harper, *Koella, *Cohen.

***Senate Bill No. 2772** -- Taxes, Sales - Exempts from sales taxes sale of medical equipment and supplies for monitoring and administration of prescription drugs. Amends TCA Title 67, Chapter 6, Part 3. by *Springer, *Cooper.

***Senate Bill No. 2790** -- Boards and Commissions - Creates Tennessee Commission on Holocaust Education; appropriates funds. by *Cohen, *Henry.

Senate Bill No. 2864 -- Day Care - Specifies licensure requirements and procedures for adult day care facilities. Amends TCA Title 68. by *Cohen, *Koella, *Cooper, *Rice.

***Senate Bill No. 2866** -- State Employees - Converts rural county WIC clerks and nutritionists under contract with community health agencies to state employee/civil service status under certain conditions. Amends TCA Title 8, Chapter 30 and Title 68, Chapter 2, Part 11. by *Crowe, *Rice.

***Senate Bill No. 2945** -- Mental Health and Mental Retardation, Dept. of - Redefines "facility" relative to licensure by department. Amends TCA Title 33, Chapter 2. by *McNally.

***Senate Bill No. 3002** -- Judicial Districts - Codifies five judgeships creating additional circuit court judge position in 13th, 16th, 21st, 22nd and 26th judicial districts. Amends TCA Section 16-2-506(13)(A); Section 16-2-506(16)(A); Section 16-2-506(21)(A); Section 16-2-506(22)(A) and Section 16-2-506(26)(A). by *Person.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2979; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2987; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2670; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1551, 2160, 2539, 2635, 2737, 2920, 3029, 3128, 3173, 3197, 3257 and 3307; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1551 -- Juries and Jurors - Entitles grand jury foreman and secretary or clerk of grand jury, if any, to minimum \$20.00 compensation for each day required duties performed. Amends TCA Title 22, Chapter 4, Part 1. by *Cooper.

***Senate Bill No. 2160** -- Judges and Chancellors - Removes authority for selection of special judge when judge fails to appear. Amends TCA Title 16 and Title 17, Chapter 2. by *Person.

***Senate Bill No. 2539** -- Workers' Compensation - Enacts "Workers' Compensation Reform Act of 1996." Amends and repeals portions of TCA Title 4; Title 38; Title 39; Title 50 and Title 56. by *Gilbert, *Atchley, *Jordan, *Elsa.

***Senate Bill No. 2635** -- Administrative Procedure - Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1996. by *Haynes.

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Senate Bill No. 2737 -- Adoption - Makes administrative and technical changes to adoption law enacted in 1995 thought necessary by department of human services. Amends TCA Title 36 and Title 37. by *Holcomb.

***Senate Bill No. 2920** -- Criminal Offenses - Creates Class E felony offense for luring or enticing child into structure or dwelling. Amends TCA Title 39, Chapter 15. by *Wright, *Fowler, *Jordan, *Person.

***Senate Bill No. 3029** -- State Prisoners - Imposes joint responsibility upon department of correction and TBI to investigate and determine underlying facts of certain alleged crimes perpetrated upon state prisoners housed within county or private correctional facilities. Amends TCA Title 38, Chapter 6, Part 1; Title 41, Chapter 21, Part 2 and Title 41, Chapter 24. by *Crutchfield.

***Senate Bill No. 3128** -- Juries and Jurors - Exempts fulltime firefighters from jury duty. Amends TCA Title 22, Chapter 1. by *Dixon.

***Senate Bill No. 3173** -- Sentencing - Raises fees imposed on offenders serving sentences under supervision of community corrections grantee. Amends TCA Title 40, Chapter 36. by *McNally, *Atchley, *Leatherwood, *Koella, *Elsea, *Hamilton, *Person.

***Senate Bill No. 3197** -- Public Records - Prohibits using computer to record or store records unless computer program will reproduce records in nonproprietary form; requires reproduction of all public records on magnetic disc or tape. Amends TCA Title 10, Chapter 7, Part 5. by *Rochelle, *Kyle.

***Senate Bill No. 3257** -- Taxes, Franchise - Authorizes \$2,000 or 10 percent of wages paid credit on franchise tax if contractor employs certain apprentices, under certain conditions. Amends TCA Title 67, Chapter 4, Part 9. by *Kyle.

Senate Bill No. 3307 -- Putnam County - Subject to local approval, establishes small claims court. by *Burks.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 379, 1327, 2167 and 2580; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 379 -- Criminal Offenses - Enacts "Money Laundering and Forfeiture Act of 1995." Amends TCA Title 40, Chapter 12. by *Kyle.

***Senate Bill No. 1327** -- Mental Illness - Adds Clay and Putnam counties to pilot program to reimburse licensed supportive living facilities for mentally ill. Amends TCA 12-4-330. by *Burks.

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***Senate Bill No. 2167** -- Taxes, Franchise - Defines "foreign entity" and "closely affiliated" corporation for purposes of franchise tax deductions. Amends TCA Section 67-4-905. by *Womack.

***Senate Bill No. 2580** -- Custody and Support - Creates presumption that shared parental responsibility is in best interests of minor child; establishes procedure for awarding custody. Amends TCA Section 36-6-101. by *Crowe.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2923; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2923** -- Courts, General Sessions - Authorizes counties by 2/3 vote to increase local litigation tax for sole purpose of funding a salary supplement to certain general sessions judges exercising juvenile jurisdiction that existed under prior salary schedule. Amends TCA Section 16-15-5006. by *Rochelle.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 906; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed previously introduced were referred to the appropriate Committee:

House Resolution No. 235 -- Naming and Designating - "A Tennessee Bicentennial Rap: 1796-1996" by Joan Hill Hanks; Official Tennessee Bicentennial Rap. by *McAfee, *Brown, *Stulce, *Turner (Hamilton), *Wood, *Sharp.

State & Local Government Committee

House Joint Resolution No. 551 -- Memorials, Sports - Ken Dugan, David Lipscomb University baseball coach. by *Halteman Harwell, *West.

Health & Human Resources Committee

***House Joint Resolution No. 552** -- General Assembly, Studies - Creates special joint committee to study child custody, divorce and child support. by *Buck.

Finance, Ways & Means Committee

House Joint Resolution No. 561 -- Naming and Designating - "Better Spech and Hearing Month," May 1996. by *Wood.

Health & Human Resources Committee

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 300** -- General Assembly, Directed Studies - Directs state board of education to study and devise system for complete state funding of public primary and secondary schools and public education systems. by *Miller J.

Finance, Ways & Means Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3332 -- Jonesborough - Revises duties of board of mayor and aldermen. Amends Chapter 135 of the Acts of 1903; as amended. by *Patton.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2772** -- Taxes, Sales - Exempts from sales taxes sale of medical equipment and supplies for monitoring and administration of prescription drugs. Amends TCA Title 67, Chapter 6, Part 3. by *Springer, *Cooper.

***Senate Bill No. 2866** -- State Employees - Converts rural county WIC clerks and nutritionists under contract with community health agencies to state employee/civil service status under certain conditions. Amends TCA Title 8, Chapter 30 and Title 68, Chapter 2, Part 11. by *Crowe, *Rice.

Senate Bill No. 2417 -- Animals - Creates Class A misdemeanor offense of aggravated cruelty to animal. Amends TCA Section 39-14-202. by *Harper, *Koella, *Cohen.

Senate Bill No. 2864 -- Day Care - Specifies licensure requirements and procedures for adult day care facilities. Amends TCA Title 68. by *Cohen, *Koella, *Cooper, *Rice.

***Senate Bill No. 2945** -- Mental Health and Mental Retardation, Dept. of - Redefines "facility" relative to licensure by department. Amends TCA Title 33, Chapter 2. by *McNally.

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***Senate Bill No. 2923** -- Courts, General Sessions - Authorizes counties by 2/3 vote to increase local litigation tax for sole purpose of funding a salary supplement to certain general sessions judges exercising juvenile jurisdiction that existed under prior salary schedule. Amends TCA Section 16-15-5006. by *Rochelle.

Senate Bill No. 379 -- Criminal Offenses - Enacts "Money Laundering and Forfeiture Act of 1995." Amends TCA Title 40, Chapter 12. by *Kyle.

***Senate Bill No. 1327** -- Mental Illness - Adds Clay and Putnam counties to pilot program to reimburse licensed supportive living facilities for mentally ill. Amends TCA 12-4-330. by *Burks.

***Senate Bill No. 2167** -- Taxes, Franchise - Defines "foreign entity" and "closely affiliated" corporation for purposes of franchise tax deductions. Amends TCA Section 67-4-905. by *Womack.

***Senate Bill No. 2580** -- Custody and Support - Creates presumption that shared parental responsibility is in best interests of minor child; establishes procedure for awarding custody. Amends TCA Section 36-6-101. by *Crowe.

Senate Bill No. 1551 -- Juries and Jurors - Entitles grand jury foreman and secretary or clerk of grand jury, if any, to minimum \$20.00 compensation for each day required duties performed. Amends TCA Title 22, Chapter 4, Part 1. by *Cooper.

***Senate Bill No. 2160** -- Judges and Chancellors - Removes authority for selection of special judge when judge fails to appear. Amends TCA Title 16 and Title 17, Chapter 2. by *Person.

***Senate Bill No. 2539** -- Workers' Compensation - Enacts "Workers' Compensation Reform Act of 1996." Amends and repeals portions of TCA Title 4; Title 38; Title 39; Title 50 and Title 56. by *Gilbert, *Atchley, *Jordan, *Elsa.

***Senate Bill No. 2635** -- Administrative Procedure - Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1996. by *Haynes.

Senate Bill No. 2737 -- Adoption - Makes administrative and technical changes to adoption law enacted in 1995 thought necessary by department of human services. Amends TCA Title 36 and Title 37. by *Holcomb.

***Senate Bill No. 2920** -- Criminal Offenses - Creates Class E felony offense for luring or enticing child into structure or dwelling. Amends TCA Title 39, Chapter 15. by *Wright, *Fowler, *Jordan, *Person.

***Senate Bill No. 3029** -- State Prisoners - Imposes joint responsibility upon department of correction and TBI to investigate and determine underlying facts of certain alleged crimes perpetrated upon state prisoners housed within county or private correctional facilities. Amends TCA Title 38, Chapter 6, Part 1; Title 41, Chapter 21, Part 2 and Title 41, Chapter 24. by *Crutchfield.

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

***Senate Bill No. 3128** -- Juries and Jurors - Exempts fulltime firefighters from jury duty. Amends TCA Title 22, Chapter 1. by *Dixon.

***Senate Bill No. 3173** -- Sentencing - Raises fees imposed on offenders serving sentences under supervision of community corrections grantee. Amends TCA Title 40, Chapter 36. by *McNally, *Atchley, *Leatherwood, *Koella, *Elsea, *Hamilton, *Person.

***Senate Bill No. 3197** -- Public Records - Prohibits using computer to record or store records unless computer program will reproduce records in nonproprietary form; requires reproduction of all public records on magnetic disc or tape. Amends TCA Title 10, Chapter 7, Part 5. by *Rochelle, *Kyle.

***Senate Bill No. 3257** -- Taxes, Franchise - Authorizes \$2,000 or 10 percent of wages paid credit on franchise tax if contractor employs certain apprentices, under certain conditions. Amends TCA Title 67, Chapter 4, Part 9. by *Kyle.

Senate Bill No. 3307 -- Putnam County - Subject to local approval, establishes small claims court. by *Burks.

**CAPTION BILLS REFERRED
April 24, 1996**

Pursuant to **Rule No. 47**, the following Caption Bill(s) was/were held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 2636 -- Taxes, Real Property -- House Finance, Ways & Means Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 24, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 25, 1996**: House Bill(s) No(s). 2471, 3146, 2463, 2050, 2268, 2283, 2460, 2462, 2180, 3120, 2353, House Joint Resolution(s) No(s). 541,221 and House Resolution(s) No(s). 217.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for April 25, 1996**: House Bill(s) No(s). 2877,2092, 1848, 414, 2994, 2996, 2120,3114 and House Joint Resolution(s) No(s). 544,414,, House Resolution(s) No(s). 200 and 212 and Senate Joint Resolution(s) No(s). 315.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 3163, 3164, 2783, 2085, 1225, 3176, 2372, 2054, 3107, 3118, 3166, 2290 and 3034; also House Bill(s) No(s). 3165, 3162, 2953, 1020, 2345, 1378, 2359,

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2876, 2485, 335, 3034, 2636, 2388, 2501, 2524, 2479, 2927 and Senate Joint Resolution(s) No(s). 318 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 3034, 3166 and 2290 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 25, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 25, 1996**: House Bill(s) No(s). 2953, 1020, 697, 2345, 2085, 1225, 1378, 318, 2425, 2537, 2144, 2374, 2266, 2372, 3058, 3118, 2501, 3162, 3165, 3034, 3166, 2876, 2636, 2927, 2388, 2479, 2054, 2359, 2783, 2524 and 2290.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 25, 1996**: House Bill(s) No(s). 2155, 2139, 2146 and 2822.

CONSENT CALENDAR

House Resolution No. 277 -- Memorials, Academic Achievement - Vicki Cunningham. by *Williams (Union).

House Resolution No. 278 -- Memorials, Personal Occasion - John and Lue Armstead. by *Jones R (Shelby).

House Resolution No. 279 -- Memorials, Interns - Joshua E. Perry. by *Bittle.

House Resolution No. 280 -- Memorials, Interns - Michael Craig Reavis. by *Bittle.

House Resolution No. 281 -- Memorials, Retirement - Carl L. Lamon. by *Jones U (Shelby).

House Resolution No. 282 -- Memorials, Recognition and Thanks - Faalen Water Farm and Fallen Water Festival at Luttrell. by *Williams (Union).

House Resolution No. 283 -- Memorials, Recognition and Thanks - Leon Harvey. by *Williams (Union).

***House Resolution No. 200** -- General Assembly, Studies - Continues house earthquake preparedness study committee. by *Kernell, *Bowers, *Jones R (Shelby), *Kent, *Haley, *Brooks, *Pinion.

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***House Resolution No. 212** -- General Assembly, Studies - Creates special House committee to study practice as a psychological examiner. by *Odom.

House Joint Resolution No. 626 -- Memorials, Congratulations - Leawood Baptist Church. by *Joyce.

House Joint Resolution No. 627 -- Memorials, Sports - Tennessee Jr. Rodeo Association State Finals Week. by *Rinks.

House Joint Resolution No. 628 -- Memorials, Interns - Ebony Janee' Anderson. by *Brooks, *Miller L, *Towns, *Bowers, *DeBerry J, *Jones R (Shelby), *Pruitt.

House Joint Resolution No. 414 -- Naming and Designating - John Sevier, "Father of Tennessee" during 1996 Bicentennial. by *Windle.

House Joint Resolution No. 536 -- Naming and Designating - "Arbor Day" and "Earth Day," April 20, 1996. by *Ramsey, *Venable, *Westmoreland.

***House Joint Resolution No. 544** -- Highway Signs - "Frank Gorrell Memorial Highway," segment of Donelson Pike (S.R. 255), Davidson County. by *West.

House Bill No. 3246 -- Rutherford County - Subject to local approval, enacts "Rutherford County Adequate Facilities Tax.". by *Bragg, *Eckles, *Beavers. (*SB3234 by *Wormack)

On motion, House Bill No. 3246 was made to conform with **Senate Bill No. 3234**; the Senate Bill was substituted for the House Bill.

Senate Joint Resolution No. 478 -- Memorials, Recognition and Thanks - Tennessee State Liar's Contest. by *Springer.

***Senate Joint Resolution No. 315** -- Naming and Designating - "A Tennessee Bicentennial Rap: 1796-1996" by Joan Hill Hanks; Official Tennessee Bicentennial Rap. by *Fowler.

House Bill No. 2877 -- Lobbying, Lobbyists - Authorizes acceptance of food and beverages at conference events if such events are part of program at conferences held by umbrella organizations of elected public officials and staff. Amends TCA Section 3-6-114(b)(8). by *Bragg. (*SB2978 by *Henry)

On motion, House Bill No. 2877 was made to conform with **Senate Bill No. 2978**; the Senate Bill was substituted for the House Bill.

House Bill No. 2092 -- Motor Vehicles, Titling and Registration - Authorizes special license plates supporting passenger rail service. Amends TCA Title 55, Chapter 4. by *West. (*SB2098 by *Rice)

On motion, House Bill No. 2092 was made to conform with **Senate Bill No. 2098**; the Senate Bill was substituted for the House Bill.

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House Bill No. 1848 -- Sunset Laws - State health planning commission, June 30, 2002. Amends TCA Title 4, Chapter 29, and Title 68, Chapter 11. by *Kernell. (*SB1835 by *Haynes)

House Bill No. 414 -- Sunset Laws - Interstate library compact, June 30, 2003 Amends TCA Title 4, Chapter 29; Title 10, Chapter 6. by *Kernell, *Garrett, *Brooks. (*SB175 by *Haynes)

On motion, House Bill No. 414 was made to conform with **Senate Bill No. 175**; the Senate Bill was substituted for the House Bill.

House Bill No. 2994 -- Sunset Laws - Interstate earthquake commission, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2961 by *Haynes, *Dixon)

On motion, House Bill No. 2994 was made to conform with **Senate Bill No. 2961**; the Senate Bill was substituted for the House Bill.

House Bill No. 2996 -- Sunset Laws - Adds disaster relief commission to sunset law, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2960 by *Haynes, *Dixon)

On motion, House Bill No. 2996 was made to conform with **Senate Bill No. 2960**; the Senate Bill was substituted for the House Bill.

House Bill No. 2120 -- Sunset Laws - Terminates commemorative woman's suffrage commission, December 31, 1996. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 46. by *Kernell, *Garrett, *Brooks. (*SB2027 by *Haynes)

On motion, House Bill No. 2120 was made to conform with **Senate Bill No. 2027**; the Senate Bill was substituted for the House Bill.

House Bill No. 3114 -- Labor - Eliminates chair of statewide labor education association advisory committee as member of executive steering committee of institute for labor studies. Amends TCA Section 4-32-103. by *Kernell, *Garrett, *Brooks. (*SB3079 by *Haynes)

On motion, House Bill No. 3114 was made to conform with **Senate Bill No. 3079**; the Senate Bill was substituted for the House Bill.

House Bill No. 3331 -- School Districts, Special - Recreates Trenton Special School District. Amends Chapter 144 of the Private Acts of 1975. by *Phelan. (SB3320 by *Carter)

House Resolution No. 284 -- Memorials, Academic Achievement - James Bailey, Jr., Salutatorian, Fayette-Ware High School. by *Naifeh.

House Resolution No. 285 -- Memorials, Academic Achievement - Andrea N. Graves, Valedictorian, Fayette-Ware High School. by *Naifeh.

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House Resolution No. 286 -- Memorials, Academic Achievement - Jennifer Coats, Salutatorian, Covington High School. by *Naifeh.

House Resolution No. 287 -- Memorials, Academic Achievement - Houston Nathan Gordon, Valedictorian, Covington High School. by *Naifeh.

House Resolution No. 288 -- Memorials, Interns - Shawn Barron Thomason. by *Hicks.

***Senate Joint Resolution No. 440** -- Highway Signs - "Concordia Methodist Episcopal Church, South," Highway 70, Braeden; "Davis/Cypress Methodist Episcopal Church, South," Highway 59, Longtown. by *Wilder.

Senate Joint Resolution No. 504 -- Memorials, Interns - Alvin Jay Williams. by *Cohen.

Senate Joint Resolution No. 506 -- Memorials, Congratulations - Ed "Apollo" Harlan, Winner of the Second Annual Mule Day Chariot Races. by *Jordan.

Senate Joint Resolution No. 507 -- Memorials, Interns - Staci Ann Myers. by *O'Brien.

Senate Joint Resolution No. 509 -- Memorials, Public Service - Roy Messer. by *Wallace.

Senate Joint Resolution No. 510 -- Memorials, Recognition and Thanks - Sister Kiwanis "Kitty" Hockett, Born Again Church. by *Harper.

Senate Joint Resolution No. 511 -- Memorials, Death - Ila Morgan Gooch. by *Wallace.

Senate Joint Resolution No. 512 -- Memorials, Death - Nelle Mize Wallace. by *Wallace.

Senate Joint Resolution No. 513 -- Memorials, Public Service - Charles Wesley "Charlie" DuRall, Senate Sergeant-At-Arms. by *Hamilton.

Pursuant to **Rule No. 50**, Rep. Turner (Hamilton) moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 96 |
| Noes | 0 |
| Present and not voting..... | 1 |

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Bird -- 1.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2557 -- Lobbying, Lobbyists - Removes gift restrictions from executive branch; revises campaign finance restrictions. Amends TCA Title 2, Chapter 10 and Title 3, Chapter 6. by *Rhinehart. (*SB2870 by *Rochelle)

Further consideration of House Bill No. 2557, previously considered on April 23, 1996, and reset to today's Calendar.

On motion of Rep. Rhinehart, **House Bill No. 2557** was withdrawn from the House.

House Bill No. 3311 -- Signal Mountain - Subject to local approval, establishes board of public utilities. Amends Chapter 569 of the Private Acts of 1919. by *McAfee. (SB3301 by *Fowler)

Further consideration of House Bill No. 3311, previously considered on April 23, 1996, and reset to today's Calendar.

On motion of Rep. McAfee, **House Bill No. 3311** was withdrawn from the House.

House Bill No. 3321 -- Mitchellville - Subject to local approval, allows mayor and board of alderpersons to borrow up to \$30,000 through bond or note with term of no more than five years. by *McDonald. (SB3317 by *Wright)

Further consideration of House Bill No. 3321, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. McDonald requested that House Bill No. 3321 be moved down 10 places on the Calendar.

House Bill No. 3323 -- Putnam County - Subject to local approval, establishes small claims court. by *Hargrove. (SB3307 by *Burks)

Further consideration of House Bill No. 3323, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. Hargrove moved that House Bill No. 3323 be passed on third and final consideration.

Rep. Hargrove moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3323 by deleting SECTION 13 in its entirety and substituting instead the following new SECTION 13:

SECTION 13.

(a) The plaintiff, or the clerk of the court at the request of the plaintiff, shall prepare the civil warrant. The plaintiff shall be responsible for sending notice to all defendants by registered or certified mail, return receipt requested. Such notice shall be mailed by the plaintiff within three (3) business days of the filing of the warrant. The plaintiff must show proof of notification at the hearing.

(b) The clerk shall cooperate with the parties in answering any questions they may have concerning the small claims procedure. The clerk shall not, however, give any legal advice nor express any opinion concerning the merits or probable outcome of the action.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 3323**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton),

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Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 3325 -- Blount County - Subject to local approval, places advisory question on November ballot relative to formulation of land use or zoning plan. by *Kerr, *Clabough. (SB3315 by *Koella)

Further consideration of House Bill No. 3325, previously considered on April 23, 1996, and reset to today's Calendar.

On motion of Rep. Kerr, **House Bill No. 3325** was withdrawn from the House.

House Bill No. 3326 -- Blount County - Authorizes advisory referendum on formulation of land use planning or zoning plan at August or November election. by *Kerr. (SB3314 by *Koella)

Further consideration of House Bill No. 3326, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. Kerr moved that House Bill No. 3326 be passed on third and final consideration.

Rep. Kerr moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3326 by adding the following new paragraph to SECTION 1:

The county legislative body of Blount County may place a brief statement of the purpose of the referendum preceding the question on the ballot. Such statement shall not exceed two hundred (200) words.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved that **House Bill No. 3326**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley,

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Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 3286 -- Sports - Permits mayor rather than governing body to appoint members of sports authority in Memphis and Shelby County. Amends TCA Title 7, Chapter 67, by *Chumney, *Towns, *Brooks, *Miller L, *Bowers, *Jones U (Shelby), *Turner (Shelby), *DeBerry J, *Byrd, *Haley. (*SB3256 by *Person, *Cohen)

Further consideration of House Bill No. 3286, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. Chumney requested that House Bill No. 3286 be moved to the heel of the Calendar.

House Bill No. 2926 -- Managed Care Organizations - Requires commissioners of human services and finance and administration to prepare list of all physicians and pharmacists who have contracted with managed care organization. by *Chumney. (*SB2657 by *Person)

Further consideration of House Bill No. 2926, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. Chumney requested that House Bill No. 2926 be moved to the heel of the Calendar.

***House Joint Resolution No. 277** -- General Assembly, Studies - Creates special joint committee to study laws and policies relative to acute pain management. by *Armstrong.

Further consideration of House Joint Resolution No. 277, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. Armstrong moved that House Joint Resolution No. 277 be adopted.

Rep. DeBerry L. requested that House Joint Resolution No. 277 be moved down 10 places on the Calendar.

***Senate Bill No. 2528** -- Medicine, Practice of - Specifies state board of medical examiners as independent board. Amends TCA Section 4-3-101, 111, 112, 122, 1008 and 1703; Section 8-30-202 and 209; Title 9, Chapter 4, Part 2; Section 12-3-103; Section 63-6-209, 210, 213 and 214; Section 63-6-101, 102, 104, 204 and 207; Title 63, Chapter 6, Part 1 and Section 68-1-101. by *Haynes. (HB2572 by *Byrd)

Further consideration of Senate Bill No. 2528, previously considered on April 23, 1996, at which time the Senate Bill was substituted for the House Bill and reset to today's Calendar.

Rep. Byrd moved that Senate Bill No. 2528 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 2.

Rep. Byrd moved that **Senate Bill No. 2528** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rinks, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh

-- 96.

A motion to reconsider was tabled.

House Bill No. 2596 -- Judges and Chancellors - Requires judges of county and state trial courts in Hamilton County be elected from divisions established according to population; requires, in alternative, judges be elected by limited or cumulative voting. Amends TCA Title 16, Chapter 2. by *Brown. (*SB2807 by *Crutchfield)

Further consideration of House Bill No. 2926, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. Brown moved that House Bill No. 2596 be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2596 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Beginning with the August 1998 regular election and every eight (8) years thereafter, the judges of the circuit court of the eleventh judicial district shall be elected by cumulative voting. Under this method of voting, the four (4) candidates receiving the highest number of votes for the office of circuit court judge of the eleventh judicial district shall be declared the winners of the four (4) circuit court judge positions. Voters in this election shall be permitted to cast four (4) votes in any manner they choose for the candidates on the ballot or for write-in candidates. Accordingly, the polling machines in Hamilton County shall be modified so as to permit this voting procedure by the August 1998 election.

SECTION 2. Beginning with the August 1998 regular election and every eight (8) years thereafter, the judges of the criminal court of the eleventh judicial district shall be elected by cumulative voting. Under this method of voting, the three (3) candidates receiving the highest number of votes for the office of criminal court judge of the eleventh judicial district shall be declared the winners of the three (3) criminal court judge positions. Voters in this election shall be permitted to cast three (3) votes in any manner they choose for the candidates on the ballot or for write-in candidates. Accordingly, the polling machines in Hamilton County shall be modified so as to permit this voting procedure by the August 1998 election.

SECTION 3. Beginning with the August 1998 regular election and every eight (8) years thereafter, the judges of the chancery court of the eleventh judicial district shall be elected by cumulative voting. Under this method of voting, the two (2) candidates receiving the highest number of votes for the office of chancery court judge of the eleventh judicial district shall be declared the winners of the two (2) chancery court judge positions. Voters in this election shall be permitted to cast two (2) votes in any manner they choose for the candidates on the ballot or for write-in candidates. Accordingly, the polling machines in Hamilton County shall be modified so as to permit this voting procedure by the August 1998 election.

SECTION 4. Beginning with the August 1998 regular election and every eight (8) years thereafter, the judges of the general sessions court of Hamilton County shall be elected by cumulative voting. Under this method of voting, the three (3) candidates receiving the highest number of votes for the office of general sessions court judge of the eleventh judicial district shall be declared the winners of the three (3) general sessions court judge

positions. Voters in this election shall be permitted to cast three (3) votes in any manner they choose for the candidates on the ballot or for write-in candidates. Accordingly, the polling machines in Hamilton County shall be modified so as to permit this voting procedure by the August 1998 election.

SECTION 5. If additional judgeships are created for the circuit court, criminal court or chancery court for the eleventh judicial district or for the general sessions court of Hamilton County after August, 1998, those judges shall be included in the cumulative voting process at the next regular term election for such judges beginning in August, 2006. If additional judgeships are created for the general sessions court of Hamilton County before August, 1998, those judges shall be included in the cumulative voting process at the next regular term election for such judges beginning in August, 1998

SECTION 6. All other acts, public or private, and any provisions of Tennessee Code Annotated that are in conflict with this act are hereby repealed.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall not take effect during the pendency of an appeal of the decision of the United States District Court for the Eastern District of Tennessee in Cousin v. Sundquist, No. 90-CV-339, which held the at-large election of the circuit, criminal and chancery court judges of the eleventh judicial district and the general sessions court judges of Hamilton County to violate Section 2 of the Voting Rights Act, before the United States Court of Appeals for the Sixth Circuit or the Supreme Court of the United States. If a final decision is rendered in favor of the defendants in this case resulting in its dismissal, then this law shall never take effect. If a final decision is rendered in favor of the plaintiffs in this case before January 1, 1998, then this law shall take effect on January 1, 1998. If a final decision is rendered in favor of the plaintiffs after January 1, 1998, then this law shall take effect upon the date of that final decision.

On motion, Amendment No. 1 was adopted.

Rep. Brown moved that **House Bill No. 2596**, as amended, be passed on third and final consideration, which motion failed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 20 |
| Noes | 53 |
| Present and not voting..... | 19 |

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Representatives voting aye were: Armstrong, Bowers, Brooks, Brown, Byrd, DeBerry, J., DeBerry, L., Fitzhugh, Herron, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Langster, Miller, Napier, Pruitt, Tindell, Towns, Turner (Hamilton), Turner (Shelby) -- 20.

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davis, Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, S., Joyce, Kent, Kerr, McAfee, McDaniel, McKee, Newton, Odom, Patton, Peach, Phelan, Ramsey, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Wood -- 53.

Representatives Present and not voting were: Buck, Cross, Davidson, Garrett, Jackson, Kisber, McDonald, McMillan, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Ritchie, West, Williams(Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 19.

A motion to reconsider was tabled.

Having failed to receive a constitutional majority, House Bill No. 2596 was re-referred to the Committee on Calendar and Rules.

House Bill No. 2560 -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by *DeBerry J, *Bowers, *Miller L. (*SB2906 by *Cohen)

Further consideration of House Bill No. 2560, previously considered on April 15, 1996, April 18, 1996, at which time the House withdrew Amendment No. 1 and adopted Amendment No 2. The bill was further considered on April 23, 1996, at which time the House reconsidered action of House Bill No. 2560 and withdrew Amendment No. 2.

Rep. DeBerry J requested that House Bill No. 2560 be moved down 3 places on the Calendar.

House Bill No. 2507 -- Judges and Chancellors - Removes authority for selection of special judge when judge fails to appear. Amends TCA Title 16 and Title 17, Chapter 2. by *Buck, *Eckles, *Bragg, *Jackson, *Williams (Williamson). (*SB2160 by *Person)

Further consideration of House Bill No. 2507, previously considered on April 15, 1996, April 22, 1996 and April 23, 1996, and reset to today's Calendar.

Rep. Buck requested that House Bill No. 2507 be moved down 3 places on the Calendar.

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House Bill No. 3321 -- Mitchellville - Subject to local approval, allows mayor and board of alderpersons to borrow up to \$30,000 through bond or note with term of no more than five years. by *McDonald. (SB3317 by *Wright)

Further consideration of House Bill No. 3321 previously considered on today's Calendar.

Rep. McDonald moved that House Bill No. 3321 be passed on third and final consideration.

Rep. McDonald moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McDonald moved that **House Bill No. 3321** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***Senate Bill No. 2513** -- Workers' Compensation - Requires all subcontractors and those engaged in the construction industry to carry workers' compensation insurance regardless of size. Amends TCA Title 50, Chapter 6. by *Person, *Crowe. (HB2945 by *Williams (Williamson), *Buck)

Further consideration of Senate Bill No. 2513, previously considered on April 15, 1996, April 22, 1996, and April 23, 1996, at which time the Senate Bill was substituted for the House Bill, and reset to today's Calendar.

Rep. Williams(Williamson) moved that Senate Bill No. 2513 be passed on third and final consideration.

Rep. Givens moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2513 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

| | |
|----------------------|----------------------|
| <u>not less than</u> | <u>nor more than</u> |
| 6,700 | 6,950 |
| 44,500 | 45,000 |

On motion, Amendment No. 3 was adopted.

Rep. Windle moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2513 Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

| | |
|----------------------|----------------------|
| <u>not less than</u> | <u>nor more than</u> |
| 14,650 | 15,000 |
| 17,250 | 17,550 |
| 17,600 | 18,000 |

On motion, Amendment No. 4 was adopted.

Rep. McKee moved that Senate Bill No. 2513, be re-referred to the Committee on Calendar and Rules.

Rep. Williams(Williamson) moved that the motion to re-refer Senate Bill No. 2513 to the Committee on Calendar and Rules be tabled, which motion failed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 25 |
| Noes | 56 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Bittle, Bowers, Burchett, Byrd, Callicott, Chumney, Clabough, DeBerry, J., DeBerry, L., Dunn, Eckles, Hassell, Jackson, Jones, R. (Shelby), Kisber, McAfee, McDaniel, Ramsey, Shirley, Tindell, Turner (Shelby), Whitson, Williams (Union) -- 25.

Representatives voting no were: Beavers, Bell, Bragg, Brooks, Brown, Cantrell, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Head,

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Herron, Hicks, Huskey, Jones, S., Joyce, Kent, Kerr, Lewis, McDonald, McKee, McMillan, Miller, Newton, Patton, Peach, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Roach, Sharp, Stamps, Stulce, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 56.

Representatives present and not voting were: Bird -- 1.

On motion, Senate Bill No. 2513 was re-referred to the Committee on Calendar & Rules.

House Bill No. 2560 -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by *DeBerry J, *Bowers, *Miller L. (*SB2906 by *Cohen)

Further consideration of House Bill No. 2560, previously considered on today's Calendar.

Rep. DeBerry J requested that House Bill No. 2560 be moved down 10 places on the Calendar.

House Bill No. 2507 -- Judges and Chancellors - Removes authority for selection of special judge when judge fails to appear. Amends TCA Title 16 and Title 17, Chapter 2. by *Buck, *Eckles, *Bragg, *Jackson, *Williams (Williamson). (*SB2160 by *Person)

Further consideration of House Bill No. 2507, previously considered on today's Calendar.

On motion, House Bill No. 2507 was made to conform with **Senate Bill No. 2160**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 2160 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 3.

Rep. Buck moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Davidson moved the previous question, which motion prevailed.

Rep. Buck moved that **Senate Bill No. 2160** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.....89
Noes 4
Present and not voting..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 89.

Representatives voting no were: Fitzhugh, Phelan, Rinks, Mr. Speaker Naifeh -- 4.

Representatives present and not voting were: Brooks, Peach -- 2.

A motion to reconsider was tabled.

House Bill No. 3111 -- Insurance, Health, Accident - Extends period from 31 to 60 days for providing notification if specific premium or fee is required for coverage for new born child or termination of coverage of dependent child. Amends TCA Title 56. by *Williams (Williamson). (*SB2688 by *Haun)

Further consideration of House Bill No. 3111, previously considered on April 23, 1996, and reset on today's Calendar.

Rep. Williams(Williamson) requested that House Bill No. 3111 be moved to the heel of the Calendar.

House Bill No. 1598 -- Private Investigators - Eliminates private investigation commission. Amends TCA Title 4, Chapter 29; Title 62, Chapter 26. by *Rigsby, *Lewis, *Rhinehart, *Phillips. (*SB1629 by *Cooper)

Further consideration of House Bill No. 1598, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. Rigsby requested that House Bill No. 1598 be moved to the heel of the Calendar.

House Bill No. 3218 -- Probation - Establishes requirements relative to employees of agencies engaged in supervision of misdemeanor probationers. Amends TCA Section 40-35-302. by *Fowlkes, *Robinson. (*SB3210 by *Springer)

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Further consideration of House Bill No. 3218, previously considered on April 18, 1996, and reset to today's Calendar.

On motion of Rep Fowlkes, **House Bill No. 3218** was withdrawn from the House.

***House Joint Resolution No. 277** -- General Assembly, Studies - Creates special joint committee to study laws and policies relative to acute pain management. by *Armstrong.

Further consideration of House Joint Resolution No. 277, previously considered on today's Calendar.

Rep. Armstrong requested that House Joint Resolution No. 277 be moved to the heel of the Calendar.

House Bill No. 2471 -- Taxes, Sales - Exempts from sales taxes sale of medical equipment and supplies for monitoring and administration of prescription drugs. Amends TCA Title 67, Chapter 6, Part 3. by *West. (*SB2772 by *Springer, *Cooper)

On motion, House Bill No. 2471 was made to conform with **Senate Bill No. 2772**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 2772 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. West moved that **Senate Bill No. 2772** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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House Bill No. 3146 -- Mental Health and Mental Retardation, Dept. of - Redefines "facility" relative to licensure by department. Amends TCA Title 33, Chapter 2. by *Jackson. (*SB2945 by *McNally)

Rep. Jackson requested that House Bill No. 3146 be moved to the heel of the Calendar.

House Joint Resolution No. 541 -- Naming and Designating - "State Employee Week," June 16-22, 1996. by *Ridgeway, *Purcell.

Rep. Ridgeway moved that House Joint Resolution No. 541 be adopted.

Rep. Jackson moved that all members voting aye be added as sponsor of House Joint Resolution No. 541, which motion prevailed.

Rep. Ridgeway moved that **House Joint Resolution No. 541** be adopted and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2050 -- Pensions and Retirement Benefits - Increases military credit from one day of service for two days of military service to day for day credit for the first year and one day of service for two days of military service thereafter. Amends TCA Title 8, Chapter 34, Part 6. by *Stulce, *Cross, *McKee, *Whitson, *McAfee, *Sharp, *Wood, *Pinion, *Patton, *Brown, *Callicott, *Lewis, *Boyer, *Ramsey, *Curtiss, *McDonald. (*SB1945 by *Crutchfield)

On motion, House Bill No. 2050 was made to conform with **Senate Bill No. 1945**; the Senate Bill was substituted for the House Bill.

Rep. Stulce moved that Senate Bill No. 1945 be passed on third and final consideration.

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On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Stulce moved that **Senate Bill No. 1945** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2268** -- Claims Commission, Tennessee - Creates fourth division by dividing eastern division into mid-eastern and eastern divisions; creates new claims commissioner position for mid-eastern division. Amends TCA Title 9, Chapter 8, Part 3, and Title 9, Chapter 8, Part 4. by *Ritchie. (SB2617 by *Haun)

Rep. Ritchie moved that House Bill No. 2268 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2268 by deleting the amendatory and directory language of the bill in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 8, Part 3, is amended by adding a new section as follows:

(a) Whenever litigation in any grand division shall become backlogged or delay in the disposition of litigation becomes imminent for any reason, the commission may, by unanimous vote, request the governor to authorize the use of administrative law judges to assist in

the removal of such backlog or delay. The request shall be accompanied with a certification of all cases upon the docket of the applicable grand division for which the commission is requesting assistance. The certification shall state for each case the names of the parties involved and the docket number assigned thereto. Upon an affirmative finding by the governor that the presiding commissioner of the applicable grand division is unable to dispose of such pending cases within a reasonable time without causing delays in the other cases, the governor may authorize the use of an administrative law judge and shall certify such request to the Secretary of State. Upon receipt of such certification, the Secretary of State is authorized, subject to budgetary constraints, to make available administrative law judges to assist the applicable claims commissioner in resolving cases which are a part of the certification. The Secretary of State is authorized to charge against the claims award fund the cost of providing this service. An administrative law judge so assigned must meet the qualifications set forth for claims commissioners in § 9-8-302(c); provided, however, the administrative law judge need not reside in the grand division in which the alleged wrongful act occurred or in which the claimant lives.

(b) Upon assignment, the administrative law judge may hear cases as certified by the Governor. Upon hearing of a matter, the administrative law judge shall draft a recommended order, including findings of fact and law, and submit such to the applicable claims commissioner for his approval or modification. The administrative law judges shall have all the powers of a claims commissioner in conducting hearings, provided the administrative law judge shall not be authorized to issue orders.

(c) (1) The use of administrative law judges hereunder shall be for a term of one (1) year, provided that their use may be extended by the governor on a year by year basis upon an annual affirmative finding by the governor that more time is necessary for the administrative law judges to complete the assignment. Their use shall terminate upon the earlier of any of the following events:

(A) the governor determines, in the governor's sole discretion, that the commissioner of the applicable grand division is able to dispose of the remaining pending cases without causing delays in other cases. Termination under this condition shall not affect any case in which an administrative law judge has scheduled or held a hearing or

(B) the Secretary of State notifies the Governor and the commissioner of the applicable grand division that hearings have been conducted and recommendations prepared on all

cases assigned. Immediately upon providing such notice, the use of administrative law judges shall cease.

SECTION 2. Tennessee Code Annotated, Section 9-8-302(c), is amended by designating the existing language as subdivision (1) and by adding the following at the end thereof as subdivision (2):

(2) In addition to the requirements of subdivision (c)(1), when a vacancy occurs on the commission by reason of death, resignation, expiration of term or other cause, the vacancy shall be filled by a person whose legal practice and experience includes the areas of workers' compensation, tort or governmental law. The provisions of this subdivision shall not apply to any individual serving as a claims commissioner on the effective date of this act or to administrative law judges assigned to hear cases pursuant to Section 1 of this act.

SECTION 3. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon passage, the public welfare requiring it and Section 1 of this act shall cease to be effective on June 30, 2001. For purposes of assigning administrative law judges, this act shall be effective July 1, 1996.

Rep. Bragg moved to amend as follows:

Amendment No. 1 to Amendment No. 2

AMEND Amendment No. 2 by adding to Section 2(2) as amended, after the first sentence the following language:

Consideration shall also be given to other desirable qualities such as integrity, intelligence, and a positive temperament.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion, Amendment No. 2, as amended, was adopted.

Rep. Whitson moved the previous question, which motion prevailed.

Rep. Ritchie moved that **House Bill No. 2268**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2560 -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by *DeBerry J, *Bowers, *Miller L. (*SB2906 by *Cohen)

Further consideration of House Bill No. 2560, previously considered on today's Calendar.

Rep. DeBerry J moved that House Bill No. 2560, as amended, be passed on third and final consideration.

Rep. DeBerry J moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2560 by deleting Section 1 in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 20, Part 1, is amended by adding the following as a new, appropriately designated section:

Through grants and technical assistance, the Tennessee arts commission shall establish, support and monitor a black arts alliance demonstration project to foster artistic and economic development within the state's African American community through provision of training and technical assistance for development of performing and visual artistic and business skills required for enhancement of the state's entertainment industry. During the first year of such demonstration project:

(1) there shall be not more than one such grant;

(2) the grant shall be awarded to an established, non-profit, multi-disciplinary black arts alliance organization located within the municipality which possesses the state's largest African American population; and

(3) commission expenditures on such project, including the amount of such grant, shall not exceed ninety-five thousand dollars (\$95,000).

Rep. DeBerry J requested that House Bill No. 2560 moved to the heel of the Calendar.

House Bill No. 2180 -- Litter Control - Revises present law which requires motor vehicles transporting litter to either transport in enclosed space or have fully covered, by requiring motor vehicles less than 16,000 pounds to enclose litter; if vehicle weight is 16,000 pounds or more, litter must be enclosed or fully covered by tarpaulin. Amends TCA Title 39, Chapter 14, Part 5. by *Stamps. (*SB2054 by *Wright)

On motion, House Bill No. 2180 was made to conform with **Senate Bill No. 2054**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 2054 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2054 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-503(a), is amended by adding the following language as a new subdivisions (4) and (5):

(4) Any motor vehicle having a gross weight of less than sixteen thousand (16,000) pounds which is transporting litter, as defined in Tennessee Code Annotated, Section 39-14-501, to an energy recovery facility, as defined in Tennessee Code Annotated, Section 68-211-501(2), shall be required to have such material in an enclosed space, unless it is a motor vehicle with a factory installed hydraulic lift system that lifts the entire bed of the truck.

(5) The provisions of subsection (a) do not apply to motor vehicles transporting recovered materials to a convenience center or scrap dealer for recycling.

On motion, Amendment No. 2 was adopted.

Rep. Stamps moved that **Senate Bill No. 2054**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 95 |
| Noes | 0 |
| Present and not voting | 2 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Garret, Peach -- 2.

A motion to reconsider was tabled.

House Bill No. 3120 -- State Employees - Converts rural county WIC clerks and nutritionists under contract with community health agencies to state employee/civil service status under certain conditions. Amends TCA Title 8, Chapter 30 and Title 68, Chapter 2, Part 11, by *Kerr, *Newton, *Patton, *Boyer, *Williams (Union), *Westmoreland, *Clabough, *Davis, *Gunnels, *Hicks, *Ramsey, *Ritchie, *Venable, *Cross. (*SB2866 by *Crowe, *Rice)

On motion, House Bill No. 3120 was made to conform with **Senate Bill No. 2866**; the Senate Bill was substituted for the House Bill.

Rep. Kerr moved that **Senate Bill No. 2866** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,

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A motion to reconsider was tabled.

***House Bill No. 2353** -- Tort Liability - Clarifies that acts of defendant, prisoner or inmate released under certain programs do not create civil liability against state. Amends TCA Section 9-8-307. by *Kerr. (SB2406 by *Rice)

Rep. Kerr requested that House Bill No. 2353 be moved to the heel of the Calendar.

House Joint Resolution No. 221 -- Naming and Designating - "The Pride of Tennessee," official state song. by *Windle, *Buck, *Fowlkes, *Givens, *Rigsby, *Jones R (Shelby), *Gunnels, *Callicott, *Walley, *Venable.

Rep. Windle moved that House Joint Resolution No. 221 be adopted.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 221 by deleting the language from the caption following the words "A RESOLUTION", and by substituting instead the language "for the adoption of an official song for the state of Tennessee".

AND FURTHER AMEND by deleting the second resolving clause of the printed resolution and by adding the following language:

BE IT FURTHER RESOLVED, That "My Home Will Always Be in Tennessee," by Shirley McRae, Margaret Campbell-duGard, and Tereé Campbell-McCormick, commissioned by the Tennessee Music Educators Association, shall be a Tennessee Bicentennial School Song.

BE IT FURTHER RESOLVED, that a copy of this resolution be prepared for presentation with this clause as well as the preceding resolving clause omitted from such copy.

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On motion, Amendment No. 2 was adopted.

Rep. Windle moved that House Joint Resolution No. 221, as amended, be adopted which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Resolution No. 217** -- House of Representatives - Prohibits use of separate constituent service accounts by house members; requires reporting under campaign finance disclosure reports. by *Williams (Williamson).

Rep. Williams(Williamson) moved that House Resolution No. 217 be adopted.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Kisber moved that all members voting aye be added as sponsors, which motion prevailed.

Rep. Williams(Williamson) moved that **House Resolution No. 217** be adopted, which motion prevailed by the following vote:

Ayes..... 92
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland,

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White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representative voting no were: Turner (Shelby) --1.

A motion to reconsider was tabled.

House Bill No. 2283 -- Alcoholic Beverages - Redefines "premises" to include historic district plus four blocks relative to sale of alcoholic beverages. Amends TCA Section 57-4. by *Kernell, *Miller L. (*SB1977 by *Cohen)

On motion, House Bill No. 2283 was made to conform with **Senate Bill No. 1977**; the Senate Bill was substituted for the House Bill.

Rep. Jones U (Shelby) moved that Senate Bill No. 1977 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1977 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(18), is amended by adding the following language at the end of the subdivision:

In such county, only for the purposes of the hours of sale provided in §57-4-203(d)(4), premises shall also include any establishment located within four (4) blocks west of the western boundary of the historic district and on the same public street or right of way as the historic district. Provided, however, the requirement of closing the street or right-of-way to motor vehicular traffic on a regular basis shall not apply to the extension of the premises established by this act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Rhinehart moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

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Rep. Jones U (Shelby) moved that **Senate Bill No. 1977**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 53 |
| Noes | 40 |
| Present and not voting..... | 3 |

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Callicott, Cantrell, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Eckles, Garrett, Halteman Harwell, Hargrove, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Langster, McMillan, Miller, Napier, Odom, Phelan, Pruitt, Purcell, Rigsby, Roach, Robinson, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 53.

Representatives voting no were: Beavers, Bird, Burchett, Byrd, Chumney, Clabough, Coffey, Cross, Davidson, Duer, Dunn, Ford, Fowlkes, Haley, Hassell, Herron, Joyce, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, Patton, Peach, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Sharp, Shirley, Stulce, Walley, White, Williams (Union), Windle, Winningham, Wood -- 40.

Representatives present and not voting were: Fitzhugh, Givens, Gunnels --3.

A motion to reconsider was tabled.

House Bill No. 2460 -- Sunset Laws - Obion-Forked Deer Basin authority, board of directors, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1. by *Kernell, *Garrett, *Brooks. (*SB2618 by *Haynes)

Rep. Kernell requested that House Bill No. 2460 be moved to the heel of the Calendar.

House Bill No. 2462 -- Administrative Procedure - Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1996. by *Kernell, *Garrett, *Brooks. (*SB2635 by *Haynes)

On motion, House Bill No. 2462 was made to conform with **Senate Bill No. 2635**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2635 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kernell moved that **Senate Bill No. 2635** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

***House Bill No. 2463** -- Administrative Procedure - Requires boards and commissions to notify applicants of deficiencies in applications; requires that members be residents of Tennessee. Amends TCA Title 4, by *Kernell, *Garrett, *Brooks, *Rigsby, *White, *Beavers, *Rhinehart, *Lewis, *Phillips. (SB2911 by *Haynes, *Cooper)

Rep. Rigsby moved that House Bill No. 2463 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 2463 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-224(a), is amended by deleting item (22) in its entirety.

SECTION 2. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the Tennessee Elk River Development Agency, created by Section 64-1-301 shall terminate and shall cease all activities on the effective date of this act.

(b) All powers, duties, contractual obligations and functions of the agency are hereby transferred to the department of environment and conservation.

SECTION 3. All funds allotted to and held by the Tennessee Elk River Development Agency shall be distributed as follows:

- (1) All contractual obligations and cooperative agreements with the Tennessee Valley Authority shall be satisfied;
- (2) All administrative costs of the department to operate and maintain two (2) offices to effectuate the purposes of this act; and
- (3) Any remaining funds shall be distributed to the following counties which are part of the Elk River watershed:
 - (A) Coffee county;
 - (B) Franklin county;
 - (C) Giles county;
 - (D) Grundy county;
 - (E) Lauderdale county, Alabama;
 - (F) Lawrence county;
 - (G) Limestone county, Alabama;
 - (H) Lincoln county;
 - (M) Marshall county; and
 - (N) Moore county.

Such remaining funds shall be distributed to the counties as follows:

The commissioner or his designee, with the assistance of the comptroller of the treasury, shall conduct an accounting of all funds transmitted by the Tennessee Elk River development agency to the counties in the Elk River watershed from July 1, 1986 to the effective date of this act. The remaining funds shall be distributed to the counties in the Elk River watershed in such amounts so that each county shall have received approximately the same amount of funds from July 1, 1986 through the termination and distribution of the remaining assets of the Tennessee Elk River development agency. Such remaining funds shall be distributed to the following counties:

(A) In Franklin county, a sum sufficient, not to exceed thirty thousand dollars (\$30,000), shall be allotted to construct a building for the volunteer fire department in the community of Broadview. The remaining funds distributed to Franklin county shall be allotted solely for capital projects for educational purposes;

(B) In Grundy county, all funds shall be allotted solely for new capital projects for educational purposes. No funds received as a result of this act shall be used for repairs or renovations of existing structures;

(C) In Coffee county, all funds shall be allotted to the nonprofit education foundation program in such county which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal Revenue Code and which is filed with the secretary of state;

(D) In Moore county, fifty percent (50%) of the funds shall be allotted to the Moore County Commission to be used solely for educational purposes for grades K-12, and fifty percent (50%) of the funds shall be allotted to Motlow State Community College to be used solely for such college's nursing program;

(E) In Giles county, fifty percent (50%) of the funds shall be allotted to the nonprofit education foundation program in such county which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal Revenue Code and which is filed with the secretary of state, and fifty percent (50%) of the funds shall be allotted to the industrial development board in Giles county which is chartered by the state of Tennessee.

(F) In Lincoln county, all funds shall be allotted to the Fayetteville/Lincoln industrial development board to be used solely for capital projects.

(G) In Marshall county, all funds shall be allotted solely to the Marshall Education and Communication Center Project in Marshall county; and

(H) In Lawrence county, fifty percent (50%) of the funds shall be allotted to the nonprofit education in such county which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal

Revenue Code and which is filed with the secretary of state, and fifty percent (50%) of the funds shall be allotted to the industrial development board in which is chartered by the state of Tennessee. If no such industrial development board exists, then fifty percent (50%) of the funds shall be allotted to the county's legislative body to be appropriated by such capital projects to enhance economic development in Lawrence county;

(I) In Lauderdale county, all funds shall be distributed to the Alabama Elk River development in funding area development projects in Lauderdale and Limestone counties which are jointly approved by the Alabama Elk River development agency and the Tennessee Valley Authority; and

(J) In Limestone county, all funds shall be distributed to the Alabama Elk River development agency for use in funding area development projects in Lauderdale and Limestone counties which are jointly Alabama Elk River development agency and the Tennessee Valley Authority.

SECTION 4. All interests in real property and in water rights held by the Tennessee Elk River Development Agency shall be transferred to the department of environment and conservation. If the department of environment and conservation sells or leases any parcel of land or any other property transferred from the Tennessee Elk River development agency, the sales or leases shall be distributed as follows:

(1) Fifty percent (50%) shall be retained by the department to effectuate the purposes of this act; and

(2) Fifty percent (50%) shall be distributed among the counties in the manner as described in Section 3 of this act.

SECTION 5. The general assembly hereby urges the department of environment and conservation to not charge boat dock fees, enhancement fees or development fees as a charge to access to Tims Ford Lake or for the improvements as set forth in Tennessee Code Annotated, Section 64-1-303(1)(F).

SECTION 6. The general assembly urges the department to dispose of all remaining properties belonging to the Tennessee Elk River development as practicable and lawful.

SECTION 7. Any project initiated by the Tennessee Elk River that has received final approval from the Tennessee Valley Authority shall

be implemented as provided in the agreements between the parties or any successor of a party.

SECTION 8. Nothing in Sections 4 and 6 of this act, as amended, shall apply to lands held for the purposes authorized by Chapter 528 of the Public Acts of 1993 or for expansion of Tims Ford State Park.

SECTION 9. The general assembly hereby urges the department to maintain any lands it may acquire pursuant to this act which are not deemed suitable for development as natural habitats for the preservation of game, non-game and endangered wildlife species.

SECTION 10. In addition, the general assembly urges the department to work with landowners in areas around Tims Ford Lake to ensure that the department has adequate ingress and egress to all its properties and to ensure that the landowners have adequate ingress and egress to their properties.

SECTION 11. The Tennessee code commission is hereby directed to make any and all necessary changes to Tennessee Code Annotated to reflect the provisions of this act.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. White moved the previous question, which motion prevailed.

Rep. Rigsby moved that **House Bill No. 2463**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 95 |
| Noes | 0 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach,

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Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Fowlkes -- 1.

A motion to reconsider was tabled.

***House Bill No. 47** -- Criminal Offenses - Enacts "Money Laundering and Forfeiture Act of 1995." Amends TCA Title 40, Chapter 12. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Miller L, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwell, *Lewis, *Walley, *Byrd, *Ford S, *Buck. (SB379 by *Kyle)

Further consideration of House Bill No. 47, previously considered on April 23,1996, at which time it was reset for today's calendar.

On motion, House Bill No. 47 was made to conform with **Senate Bill No. 379**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 379 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 379 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. **Definitions.** As used in this act the following definitions apply:

(a) "Attorney general" means the district attorneys general and their assistants.

(b) "Financial transaction" means a purchase, sale, loan, pledge, contract, gift, payment, and also includes a withdrawal, transmission of funds, transfer between accounts, or deposit, of monetary instruments, funds or an exchange of any other property, including, but not limited to, currency, precious metals, stones, or tickets, stamps, or credit in a financial institution. jewelry,

"Financial transaction" shall not include:

(1) Any transaction conducted, or attempted, at the request of or in cooperation with any local, state or federal law

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enforcement official with regard to any person acting at the request of or cooperating with such official when such person knows that the official is making an official request.

(2) Any transaction conducted by a person, corporation, or financial institution, in the ordinary course of business, with a duty to comply with any state or federal currency transaction reporting or recording requirements, unless such person, corporation or financial institution shall intentionally violate or circumvent such state or federal currency transaction reporting or recording requirements, but only as to such person, corporation or financial institution.

(3) Any transaction conducted, or attempted, by a person, corporation or financial institution, in the ordinary course of business, which is deemed by the person, corporation or financial institution to be a suspicious transaction or transactions, whether reportable or not under state or federal currency transaction reporting or recording requirements, where:

(i) Such person or corporation reports such suspicious transaction, or a similar transaction conducted previously, to any local, state or federal law enforcement official and such report would not violate any attorney-client privilege; or

(ii) In the case of a financial institution, the financial institution reported the transaction, or a related transaction conducted previously, to the institution's primary regulator or to another regulator or law enforcement official pursuant to the directions of the institution's primary regulator; but only with regard to the person, corporation or financial institution making the report.

(4) Bona fide legal fees received by a licensed attorney.

(c) "Knowingly uses or attempts to use proceeds derived directly or indirectly from a specified unlawful activity" means that any person or party to the transaction or act knew that the property or proceeds involved in the transaction or act represented or constituted, either in whole or in part, proceeds from some form, though not necessarily which form, of any criminal offense under the laws of this state, or any other jurisdiction. Provided, however, a person, corporation or financial institution, receiving funds or property in the ordinary course of business shall not have "knowledge" that the funds or property so received represented proceeds of any specified unlawful activity solely because of:

(1) The identity or reputation of the transferor of the funds or property; or

(2) The identity or reputation of an associate of the transferor.

(d) "Property" means anything of value, and includes any interest in property, including any benefit, privilege, claim or right with respect to anything of value, whether real or personal, tangible or intangible.

(e) "Specified unlawful activity" means any act, including any preparatory or completed offense, committed for financial gain that is punishable as a felony under the laws of this state, or if the act occurred outside this state, would be punishable by confinement for more than one (1) year under the laws of the state in which it occurred; and

(f) "Uses" and "conducts" mean initiating, concluding, participating, negotiating, or aiding or abetting in such initiating, concluding, participating or negotiating, or any act of concealment.

SECTION 2. Criminal Penalties.

(a)

(1) It is an offense to knowingly use, conspire to use, or attempt to use proceeds derived directly or indirectly from a specified unlawful activity to conduct or attempt to conduct a financial transaction or make other disposition with the intent to conceal or disguise the nature, location, source, ownership, or control of the criminally derived proceeds.

(2) A violation of this subsection is a Class B felony.

(b)

(1) It is an offense to knowingly use proceeds derived directly or indirectly from a specified unlawful activity with the intent to promote, in whole or in part, the carrying on of a specified unlawful activity.

(2) A violation of this subsection is a Class B felony.

(c)

(1) It is an offense to knowingly conduct, conspire to conduct, or attempt to conduct a financial transaction or make other disposition involving property or proceeds represented by

a law enforcement officer, or by another at the direction of a law enforcement officer, to be the property or proceeds derived from a specified unlawful activity with the intent to or disguise the nature, location, source, ownership, or criminally derived proceeds or with the intent to of a specified unlawful activity. conceal control of the promote the carrying on

(2) A violation of this subsection is a Class B felony.

SECTION 3. Joinder of Offenses. A defendant charged with a violation of one (1) or more offenses within Section 2 of this act may also be jointly charged, tried, and convicted in a single prosecution for committing any related specified unlawful activity, which shall be separately punished.

SECTION 4. Jurisdiction and Venue. Venue in a criminal prosecution under this act shall be either in the county where one (1) or more elements of the underlying specified unlawful activity occurred, or in the county where one (1) or more elements of a violation of Section 2 occurred or was attempted.

SECTION 5. Criminal Intent. (a) In a prosecution for an offense under this act, the state is not required to prove that the defendant actually knew that the property or proceeds were derived from a specified unlawful activity, so long as the defendant knew that the property or proceeds were derived from some form of criminal activity.

(b) A corporation, the board of directors or the executive officers shall not be responsible for the criminal acts of the corporation's employees, provided that the corporation has exercised due diligence to prevent such criminal acts. For purposes of this act, a corporation shall be deemed to have exercised due diligence if the criminal acts committed by its employees are in violation of specific corporate policy or instructions, such corporate policy or instructions were communicated to the employees who committed the criminal acts, the corporation had implemented monitoring or supervision procedures reasonably designed to detect violations of its corporate policy or instruction, and the board of directors and executive officers of the corporation acted in good faith.

SECTION 6. Evidence. In a prosecution under this act, either party may introduce the following evidence pertaining to the issue of whether the property or proceeds were known to be from some form of specified unlawful activity:

(a) that a financial transaction was conducted or structured in violation of the reporting requirements of any state or federal law;

(b) that money or any negotiable instrument was found in proximity to contraband or instrumentalities of an offense;

(c) that a financial transaction was conducted with the use of a false or fictitious name; or

(d) that a financial transaction was structured so as to falsely report the actual consideration or value of the transaction.

SECTION 7. Assistance By Other Agencies. The attorney general may authorize any governmental department or agency of this state, any political subdivision thereof, or any other state or federal government to participate in the investigation into the conduct giving rise to a criminal offense under this act.

SECTION 8. Use Of Investigative Grand Jury. Tennessee Code Annotated, Section 40-12-201, is amended by adding the following new item (1) to subsection (a) and by renumbering subsequent items accordingly:

(1) Section 2 of Senate Bill 379, House Bill 47, relating to money laundering;

SECTION 9. Title. This act shall be known as the "Money Laundering Act of 1996".

SECTION 10. Effective Date. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 379 by designating the existing language of subsection (e) of SECTION 1 as (e)(1) and by adding the following new subsection (e)(2):

(2) "Specified unlawful activity" does not mean an act, including any preparatory or completed offense, committed for financial gain that is punishable under Tennessee Code Annotated, Title 39, Chapter 17, Part 5, or similar provisions of law in another state; and

On motion, Amendment No. 2 was adopted.

Rep. Herron moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 379 by adding the following as new subdivision (2) to subsection (c) of Section 2, as amended, and by renumbering the existing subdivision (2) accordingly:

(2) The provisions of this section shall not apply to any transaction conducted, or attempted, by a person, corporation or financial institution, in the ordinary course of business, which is deemed by the person, corporation or financial institution to be a suspicious transaction or transactions, whether reportable or not under any state or federal currency transaction reporting or recording requirements, where:

(A) Such person or corporation reports such suspicious transaction, or a similar transaction conducted previously, to any local, state or federal law enforcement official and such report would not violate any attorney-client privilege;

(B) In the case of a financial institution, the financial institution reported the transaction, or a related transaction conducted previously, to the institution's primary regulator or to another regulator or law enforcement official pursuant to the directions of the institution's primary regulator; but only with regard to the person, corporation or financial institution making the report; or

(C) In the case of any other corporation or business entity which reported the transaction or a related transaction conducted previously, to the corporation's or business entity's primary federal or state regulator, any other federal or state regulator or law enforcement official or agency. Failure to so report shall not create an inference that the transaction was a "financial transaction" under this act.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The reporting of a financial transaction by a corporation or other business entity to a regulator or law enforcement official or agency shall not create a cause of action against the person, corporation or business entity which made the report and the same shall be made immune from civil liability for such report.

On motion, Amendment No. 3 was adopted.

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Rep. Bird moved the previous question, which motion prevailed.

Rep. Herron moved that **Senate Bill No. 379**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 96 |
| Noes | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Shelby) -- 1.

House Bill No. 3002 -- Limitation of Actions - Establishes three year statute of limitations from discovery and cause of injury for civil actions brought for sexual abuse occurring when injured party was minor. Amends TCA Title 28, Chapter 3, Part 1. by *Herron. (*SB2527 by *Haynes)

Further consideration of House Bill No. 3002, previously considered on April 23, 1996, and reset to today's Calendar.

Rep. Herron moved that House Bill No. 3002 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1539 -- Education - Deletes requirement that any superintendent or director of schools, appointed to such office by popularly elected school board, only have baccalaureate degree in order to hold such office. Amends TCA 49-2-301. by *Winningham, *McAfee, *Duer, *Curtiss. (*SB1333 by *Burks)

Further consideration of House Bill No. 1539, previously considered on April 6, 1995, April 10, 1995, April 13, 1995, May 11, 1995, May 17, 1995, February 29, 1996, March 21, 1996, March 27, 1996, April 4, 1996, and April 22, 1996, and reset to today's calendar.

Rep. Davidson requested that House Bill No. 1539 be moved to the heel of the Calendar.

***House Bill No. 168** -- Medical Occupations - Enacts "Hypnotherapist Registration Act." Amends TCA Titles 4, 63. by *Odom. (SB648 by *Rice)

Further consideration of House Bill No. 168, previously considered on April 1, 1996, April 4, 1996, April 17, 1996, April 18, 1996, April 23, 1996, and April 25, 1996, at which time the House was on the motion to adopt Amendment No. 1 and the previous question had been called.

Rep. Odom moved that House Bill No. 168, be re-referred to the Health & Human Resources Committee, which motion prevailed.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3256; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 3256** -- Sports - Permits mayor rather than governing body to appoint members of sports authority in Memphis and Shelby County. Amends TCA Title 7, Chapter 67. by *Person, *Cohen.

REGULAR CALENDAR, CONTINUED

House Bill No. 3286 -- Sports - Permits mayor rather than governing body to appoint members of sports authority in Memphis and Shelby County. Amends TCA Title 7, Chapter 67. by *Chumney, *Towns, *Brooks, *Miller L, *Bowers, *Jones U (Shelby), *Turner (Shelby), *DeBerry J, *Byrd, *Haley. (*SB3256 by *Person, *Cohen)

Further consideration of House Bill No. 3286, previously considered on today's Calendar.

On motion, House Bill No. 3286 was made to conform with **Senate Bill No. 3256**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that **Senate Bill No. 3256** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley,

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Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Kernell -- 1.

A motion to reconsider was tabled.

House Bill No. 2926 -- Managed Care Organizations - Requires commissioners of human services and finance and administration to prepare list of all physicians and pharmacists who have contracted with managed care organization. by *Chumney. (*SB2657 by *Person)

Further consideration of House Bill No. 2926, previously considered on today's calendar.

Rep. Chumney moved that House Bill No. 2926 be re-referred to Committee on Calendar and Rules.

House Bill No. 3111 -- Insurance, Health, Accident - Extends period from 31 to 60 days for providing notification if specific premium or fee is required for coverage for new born child or termination of coverage of dependent child. Amends TCA Title 56. by *Williams (Williamson). (*SB2688 by *Haun)

Further consideration of House Bill No. 3111, previously considered on today's Calendar.

Rep. Williams(Williamson) requested that House Bill No. 3111 be moved to the heel of the Calendar.

House Bill No. 1598 -- Private Investigators - Eliminates private investigation commission. Amends TCA Title 4, Chapter 29; Title 62, Chapter 26. by *Rigsby, *Lewis, *Rhinehart, *Phillips. (*SB1629 by *Cooper)

Further consideration of House Bill No. 1598, previously considered on today's Calendar.

Rep. Rigsby requested that House Bill No. 1598 be moved to the heel of the Calendar.

***House Joint Resolution No. 277** -- General Assembly, Studies - Creates special joint committee to study laws and policies relative to acute pain management. by *Armstrong.

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Further consideration of House Joint Resolution No. 277, previously considered on today's Calendar.

On motion, House Joint Resolution No. 277 was held on the Clerk's desk to be heard at the call of Rep. Armstrong, which motion prevailed.

House Bill No. 3146 -- Mental Health and Mental Retardation, Dept. of - Redefines "facility" relative to licensure by department. Amends TCA Title 33, Chapter 2. by *Jackson. (*SB2945 by *McNally)

Further consideration of House Bill No. 3146, previously considered on today's Calendar.

On motion, House Bill No. 3146 was made to conform with **Senate Bill No. 2945**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 2945 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Jackson moved that **Senate Bill No. 2945** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2560 -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by *DeBerry J, *Bowers, *Miller L. (*SB2906 by *Cohen)

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Further consideration of House Bill No. 2560, previously considered on today's Calendar, at which time the House was on the motion to adopt Amendment No. 1.

Rep. DeBerry J moved that House Bill No. 2560 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

***House Bill No. 2353** -- Tort Liability - Clarifies that acts of defendant, prisoner or inmate released under certain programs do not create civil liability against state. Amends TCA Section 9-8-307. by *Kerr. (SB2406 by *Rice)

Further consideration of House Bill No. 2353, previously considered on today's Calendar.

On motion, House Bill No. 2353 was made to conform with **Senate Bill No. 2406**; the Senate Bill was substituted for the House Bill.

Rep. Kerr moved that Senate Bill No. 2406, be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2406 by adding the following language at the end of the amendatory language of the new subdivision (D) in Section 1:

Except that the state of Tennessee is liable for the reasonable medical care for inmates under work release, furlough, or community based alternative to confinement although the inmates are not physically in the custody and control of and under the direct personal control of a jailer, corrections officer or other law enforcement officer. The state, county, municipality or political subdivision which may employ the inmate but does not have direct supervision and control of the inmate's work release, confinement or community based alternative to confinement is not liable for the inmate's reasonable medical treatment for injuries incurred while on such work release, community based alternative, or other work detail.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2406 by deleting the first sentence of the amendatory language of the new subdivision (D) added by SECTION 1 and substituting instead the following:

Acts of a defendant serving a sentence under probation coupled with periodic confinement pursuant to §40-35-307; work release pursuant to §40-35-315; on furlough pursuant to §40-35-316; a community based alternative to confinement pursuant to title 40, chapter 36; or parole pursuant to §40-35-504, unless the defendant is in the custody of or under the control or supervision of a jailer, corrections officer, law enforcement officer or other agent of the state.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2406 by deleting the period "." at the end of the sentence added by the amendatory language of House Judiciary Committee Amendment No. 2 and substituting instead the following:

or unless the state was negligent in its release of the defendant.

On motion, Amendment No. 3 was adopted.

Rep. Buck moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2406 by adding at the end of house amendment No. 1:

Nothing in this paragraph shall be construed as changing the general law of comparative fault. Nothing in this paragraph shall change the liability for injuries caused by a person or agency due to their own negligence. Nothing in this paragraph shall be construed to change the general law on liability in 9-8-307(a)(1)(E).

On motion, Amendment No. 4 was adopted.

Rep. Kerr moved that **Senate Bill No. 2406**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,

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McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2460 -- Sunset Laws - Obion-Forked Deer Basin authority, board of directors, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1. by *Kernell, *Garrett, *Brooks. (*SB2618 by *Haynes)

Further consideration of House Bill No. 2460, previously considered on today's Calendar.

On motion, House Bill No. 2460 was made to conform with **Senate Bill No. 2618**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2618 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2618** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1539 -- Education - Deletes requirement that any superintendent or director of schools, appointed to such office by popularly elected school board, only have

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baccalaureate degree in order to hold such office. Amends TCA 49-2-301. by *Winningham, *McAfee, *Duer, *Curtiss. (*SB1333 by *Burks)

Further consideration of House Bill No. 1539, previously considered on today's Calendar.

Rep. Davidson requested that House Bill No. 1539 be moved to the heel of all Calendars.

House Bill No. 3111 -- Insurance, Health, Accident - Extends period from 31 to 60 days for providing notification if specific premium or fee is required for coverage for new born child or termination of coverage of dependent child. Amends TCA Title 56. by *Williams (Williamson). (*SB2688 by *Haun)

Further consideration of House Bill No. 3111, previously considered on today's Calendar.

Rep. Williams(Williamson) moved that House Bill No. 3111 be passed on third and final consideration.

Rep. Williams(Williamson) moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3111 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 56, Chapter 19, is amended by adding the following new section:

A state malpractice insurance company organized under Tennessee law may become a state stock malpractice insurance company operating under the provisions of Chapter 19 of this title pursuant to a plan and procedure which is approved in advance by the commissioner. The commissioner shall not approve any such plan or procedure unless:

- (1) The plan or procedure is equitable to the insurer's policyholders;
- (2) The plan or procedure is subject to approval by vote of not less than three-fourths (3/4) of the votes cast in person, by proxy, or by mail at a meeting of policyholders called for the purpose pursuant to such notice and procedure as may be approved by the commissioner;
- (3) The equity of each policyholder in the insurer is determinable under a fair formula approved by the commissioner.

Such equity shall be based upon not less than the insurer's entire surplus, after deducting contributed or borrowed surplus funds and any outstanding guaranty capital securities, plus a reasonable present equity in its reserves and in all nonadmitted assets;

(4) The policyholders entitled to receive stock upon conversion and to participate in the purchase of additional stock, if any, include all policyholders having policies in force on the date of conversion;

(5) The plan provides that each policyholder of the insurer specified in subdivision (4) shall receive a proportionate part of the capital stock to be issued in respect to the policyholders' equity. The plan also gives to each such policyholder a nontransferable preemptive right to acquire a proportionate part of any additional capital stock to be issued and sold by the insurer, within a designated reasonable period. In addition to the issuance of shares with respect of the policyholders' equity, if the insurer has outstanding guaranty capital securities, the plan shall require the sale of a sufficient number of shares (at the same price per share as all other shares issued under the plan) to retire such guaranty capital securities. To the extent each policyholder specified in subdivision (4) does not exercise the preemptive right to purchase a pro rata number of shares to retire the guaranty capital securities, the holders of the guaranty capital securities shall have the right to convert the securities (including all accrued interest) into shares of capital stock at such price;

(6) Shares are so offered to policyholders at a price not greater than that thereafter offered to others nor at more than five (5) times the par value of the shares; and

(7) The plan, when completed, would provide for the converted insurer paid-in capital stock in an amount not less than the minimum paid-in capital required of a state stock insurer under Chapter 19 of this title; provided, however, this provision does not apply to any converting mutual companies which were qualified and authorized under this chapter prior to May 7, 1969.

Section 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3111 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 56, Chapter 19, is amended by adding the following new section:

A state malpractice insurance company organized under Tennessee law may become a state stock malpractice insurance company operating under the provisions of Chapter 19 of this title pursuant to a plan and procedure which is approved in advance by the commissioner. The commissioner shall not approve any such plan or procedure unless:

(1) The plan or procedure is equitable to the insurer's policyholders;

(2) The plan or procedure is subject to approval by vote of not less than three-fourths (3/4) of the votes cast in person, by proxy, or by mail at a meeting of policyholders called for the purpose pursuant to such notice and procedure as may be approved by the commissioner;

(3) The equity of each policyholder in the insurer is determinable under a fair formula approved by the commissioner. Such equity shall be based upon not less than the insurer's entire surplus, after deducting contributed or borrowed surplus funds and any outstanding guaranty capital securities, plus a reasonable present equity in its reserves and in all nonadmitted assets;

(4) The policyholders entitled to receive stock upon conversion and to participate in the purchase of additional stock, if any, include all policyholders having policies in force on the date of conversion;

(5) The plan provides that each policyholder of the insurer specified in subdivision (4) shall receive a proportionate part of the capital stock to be issued in respect to the policyholders' equity. The plan also gives to each such policyholder a nontransferable preemptive right to acquire a proportionate part of any additional capital stock to be issued and sold by the insurer, within a designated reasonable period.

In addition to the issuance of shares with respect of the policyholders' equity, if the insurer has outstanding guaranty capital securities, the plan shall require the sale of a sufficient number of shares (at the same price per share as all other shares issued under the plan) to retire such guaranty capital securities. To the extent each policyholder specified in subdivision (4) does not exercise the preemptive right to purchase a pro rata number of shares to retire the guaranty capital securities, the holders of the guaranty capital securities

shall have the right to convert the securities (including all accrued interest) into shares of capital stock at such price;

(6) Shares are so offered to policyholders at a price not greater than that thereafter offered to others nor at more than five (5) times the par value of the shares; and

(7) The plan, when completed, would provide for the converted insurer paid-in capital stock in an amount not less than the minimum paid-in capital required of a state stock insurer under Chapter 19 of this title; provided, however, this provision does not apply to any converting mutual companies which were qualified and authorized under this chapter prior to

May 7, 1969.

Section 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Whitson moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Williams(Williamson) moved that **House Bill No. 3111**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1598 -- Private Investigators - Eliminates private investigation commission. Amends TCA Title 4, Chapter 29; Title 62, Chapter 26. by *Rigsby, *Lewis, *Rhinehart, *Phillips. (*SB1629 by *Cooper)

Further consideration of House Bill No. 1598, previously considered on today's Calendar.

On motion of Rep. Rigsby, **House Bill No. 1598** was withdrawn from the House.

***House Joint Resolution No. 277** -- General Assembly, Studies - Creates special joint committee to study laws and policies relative to acute pain management. by *Armstrong.

Further consideration of House Joint Resolution No. 277, previously considered on today's Calendar.

Rep. Armstrong moved that House Joint Resolution No. 277 be adopted.

Rep. DeBerry L moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 277 by deleting the third resolving clause and by substituting instead the following:

BE IT FURTHER RESOLVED, That the special joint committee shall also consist of three (3) citizen members, (who may include a physician, chiropractor, pharmacist, patient and/or relative of a patient), with experience in pain management. Such citizen members shall be appointed by joint action of the speakers.

AND FURTHER AMEND by deleting the second sentence of the seventh resolving clause and by substituting instead the following:

At its first meeting, the special joint committee shall elect, from the legislative membership of the committee, a chair and vice-chair and any other officers the committee deems necessary.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **House Joint Resolution No. 277**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.....96

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton),

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Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE CALENDAR

NOTICE TO ACT ON SENATE AMENDMENTS

***Senate Bill No. 1563** -- Guardianship - Changes from 18 to 21 age at which guardianship of minor terminates unless person for whom guardian was appointed shows good cause to court why guardianship should terminate earlier than 21. Amends TCA Title 34. by *Kyle. (HB1328 by *Buck)

Rep. Buck requested that Senate Bill No. 1563 be moved down 5 places on the Calendar.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 1981 -- Public Records - Authorizes cities and counties to establish and operate electronic access to public records on contractual, fee-based basis. Amends TCA Title 10, Chapter 7. by *Ford J. (*HB1960 by *Chumney)

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 1981**

Pursuant to Rule No. 73, Representative Chumney moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 1981, which motion prevailed.

The Speaker appointed Representatives Chumney, Williams(Williamson) and Haley as the House members of the Conference Committee on Senate Bill No. 1981.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2010 -- Pardons and Paroles - Grants exclusive authority to community corrections program to provide services in contract area; increases from \$5.00 to \$20.00 monthly supervision fee paid by parolee. Amends TCA Title 40, Chapter 36. by *Rhinehart, *Boyer. (*SB2050 by *Springer, *Burks)

Senate Amendment No. 3

AMEND House Bill No. 2010 by deleting the language following the enacting clause in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 40-36-305(b), is amended by adding the following:

Provided further, that each recipient, having been deemed eligible for continued grant funding by the department and having entered into an agreement with the department for direct financial aid under this chapter, shall have exclusive authority to provide the contracted services within the agreed upon jurisdiction for the duration of the contract. Nothing in this subsection shall be construed to diminish the Commissioner's authority under Tennessee Code Annotated, Section 40-36-305.

Section 2. Tennessee Code Annotated, Section 40-36-306, subsection (a), is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) A supervision fee in the amount of fifteen dollars (\$15.00) per month is hereby imposed upon every offender serving a sentence under the supervision of a community corrections grantee. Such fee may be waived in those cases determined to be hardship cases as defined in §40-28-202.

Section 3. Tennessee Code Annotated, Section 40-36-306, is amended by adding the following as a new subsection (e):

(e) The grantee shall make an investigation of the financial and other circumstances of any person under its supervision and, based upon the person's ability to pay, shall require such person to pay thirty dollars (\$30.00) for each month or portion of a month such person remains under the supervision of the grantee, to the general fund, beginning thirty (30) days from the date the offender is placed under the supervision of the grantee, or, in the case of an offender, the date of employment. The payment required under this subdivision shall not exceed ten percent (10%) of the offender's net income. In cases of hardship as defined in § 40-28-202, the Department may modify the payment required by this item to an appropriate amount given the nature and magnitude of the hardship.

Section 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2010**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 93 |
| Noes | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby),

Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2289** -- Education, Higher - Allows LEAs to provide interest free loans to teachers seeking post-graduate degree in subject area or field in which they teach. Amends TCA Title 49, Chapter 5. by *Ritchie. (SB2821 by *Womack)

Rep. Ritchie requested that House Bill No. 2289 be moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2364 -- Insurance, Health, Accident - Requires health insurance, policy or plan providing maternity benefits to provide coverage for 48 hours of in-patient care for vaginal delivery and 96 hours for C-section; length of stay not required if post-delivery care provided in home unless physician deems it medically necessary or requested by mother. Amends TCA Title 56, Chapter 7, Part 25. by *Turner (Hamilton), *Eckles, *DeBerry L., *Jones, S., *Pruitt, *Brooks. (*SB2379 by *Crutchfield)

Senate Amendment No. 4

AMEND House Bill No. 2364 by adding the following language as a new, appropriately designated section:

SECTION _____. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following as a new, appropriately designated section:

Any individual and group health insurance policy providing coverage on an expense incurred basis or any individual and group service or indemnity type contract issued by a nonprofit corporation or the TennCare program which provides coverage for pregnancy and/or maternity benefits may not be canceled or terminated due to pregnancy of an enrollee in such plan. Provided, however, if and only if, a person or the person's spouse is pregnant at the time such health insurance coverage is initially purchased, then at the time of such purchase, pregnancy and/or maternity benefits for the current pregnancy may be denied as a pre-existing condition.

Senate Amendment No. 1 to Senate Amendment No. 4

AMEND Senate Amendment No. 4 by adding the following language at the end of the new section:

The provisions of this section shall apply to any person who should have been entitled to coverage for such benefits on or after January 1, 1996.

Rep. Turner(Hamilton) moved that the House concur in Senate Amendment(s) No(s). 4, as amended, to **House Bill No. 2364**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2534 -- Charitable Solicitations - Increases exemption threshold from \$5,000 to \$25,000 that charitable organization can raise and be exempt; increases renewal fees for larger organizations. Amends TCA Title 48, Chapter 101, Part 5. by *Kisber. (*SB2846 by *Womack, *Haynes, *Miller J, *Carter)

Senate Amendment No. 3

AMEND House Bill No. 2534 by deleting Section 9 and by renumbering subsequent sections accordingly.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2534**, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1563** -- Guardianship - Changes from 18 to 21 age at which guardianship of minor terminates unless person for whom guardian was appointed shows good cause to court why guardianship should terminate earlier than 21. Amends TCA Title 34. by *Kyle. (HB1328 by *Buck)

Further consideration of House Bill No. 1563, previously considered on today's Calendar.

Rep. Buck moved that the House refuse to recede from its action in nonconcurring in House Amendments No(s). 1, 2, 3 and 4, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2589 -- Public Officials - Prohibits state and local officials and employees from encouraging drawer of check, for payment to state and local government, from including as payee of check name of any individual official or employee. by *Joyce. (*SB2899 by *Leatherwood)

Senate Amendment No. 1

AMEND House Bill No. 2589 by deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. An official or employee within state, county, or municipal government or any agency thereof, who is required or authorized to receive or collect personal checks or similar sight orders on behalf of such government, agency or office, shall not require or encourage the drawer of any such check or order to give or include as payee any personal name as opposed to the name of the state, county, or municipal government or the agency or office or the official's name and title. Such official or employee shall not require or encourage any such drawer to give or include as payee the name of any official, employee, or other person in his or her personal

capacity. The provisions of this section shall not be construed or implemented to prohibit use of notification forms which were printed prior to the effective date of this act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Joyce moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2589**, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2670 --** DUI/DWI Offenses - Revises procedures relative to seizure of vehicle driven by second or subsequent DUI offender. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Kent, *Stamps, *Bittle, *Newton, *Gunnels, *Roach, *Williams (Union), *Ford S, *Sharp, *Wood, *McDaniel, *McAfee, *Curtiss, *Haley, *Hassell, *Beavers. (SB2952 by *Miller J, *Atchley, *McNally, *Person, *Rice, *Leatherwood, *Holcomb, *Gilbert, *Carter, *Elsea, *Wright, *Haun, *Crowe, *Fowler, *Jordan, *Koella, *Burks)

Senate Amendment No. 4

AMEND House Bill No. 2670 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 55, Chapter 10, Part 4 is amended by adding the following as a new, appropriately designated section:

Section _____. The sheriff of each county shall develop a written policy which permits alcohol and drug treatment organizations to have reasonable access to persons confined in the county jail or workhouse who have been convicted of or charged with a violation of this part.

Senate Amendment No. 6

AMEND House Bill No. 2670 by adding the following new subdivision to be designated as (k)(4) in the amendatory language in Section 1 of the bill as amended by Judiciary Committee Amendment No. 1.

(k)(4) Only post-certified or state-commissioned law enforcement officers will be authorized to seize such vehicles under this act.

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 4 and 6 to **House Bill No. 2670**, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 94 |
| Noes | 0 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Head -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2883 -- Message - Redefines "massage establishment" to be business held out to the public; authorizes massage licensure board to promulgate rules and regulations pertaining to ethics, to define somatic therapy and set all education and other requirements for licensure. Amends TCA Title 63, Chapter 18, Part 2. by *Jordan. (*HB2538 by *Chumney, *Odom)

Rep. Chumney moved that the House refuse to recede from its action in adopting House Amendment No. 1 to Senate Bill No. 2883, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2979 -- Cemeteries - Authorizes state historical commission to evaluate cemeteries and offer assistance as funds are available. Amends TCA Title 46 and Title 67, Chapter 5. by *Napier, *Garrett, *Robinson. (*SB3059 by *Jordan)

Senate Amendment No. 1

AMEND House Bill No. 2979 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. This act shall be known as and may be cited as the "Family Burial Grounds Protection Act". This bill is intended to provide notice to buyers of property with known burial grounds and gravesites. It does not remove any protection to those sites under existing law.

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "Crypt" has the same meaning as used in §46-1-102(8);

(2) "Gravesite" means a space of ground used for lawful interment of a deceased person; and

(3) "Human remains" or "remains" has the same meaning as used in §46-1-102(10).

SECTION 3. (a) A deed for real property which indicates the presence of a gravesite or crypt containing human remains on the property conveyed obligates the immediate and future buyer(s) of the property to protect such gravesite or crypt from disturbance. The seller of the property has the responsibility of seeing that the deed is properly amended to reflect the presence of the gravesite or crypt.

(b) Real property which has a deed that reflects the presence of human remains on the property is protected from disturbance or development as follows:

(1) A gravesite may not be disturbed in the area of ten feet (10') surrounding the perimeter of the gravesite; and

(2) A crypt may not be disturbed in the area of five feet (5') surrounding the perimeter of the crypt.

(c) The owner of real property which has a deed that reflects the presence of human remains on the property has the option of transferring the remains, at the owner's expense, pursuant to the procedure for termination of use as a cemetery in Tennessee Code Annotated, Title 46, Chapter 4. Upon complete transfer of all human remains from such property which are

properly described on the deed, the buyer has the right to the use of the area previously containing the remains as is consistent for the remainder of the property.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment 1

AMEND Senate Amendment No. 1 by deleting the final sentence of Section 3(a) which reads as follows:

"The seller of the property has the responsibility of seeing that the deed is properly amended to reflect the presence of the gravesite or crypt."

Senate Amendment No. 2 to Senate Amendment No. 1

AMEND Senate Amendment No. 1 by deleting the final sentence of Section 3(a) which reads as follows:

The seller of the property has the responsibility of seeing that the deed is properly amended to reflect the presence of the gravesite or crypt.

and by substituting instead the following sentence:

The owner of real property has the responsibility for taking appropriate action, prior to conveying such property, to ensure that the deed reflects the presence of the gravesite or crypt on such property.

Rep. Napier moved that the House concur in Senate Amendment(s) No(s). 1 as amended to **House Bill No. 2979**, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2987 -- Local Education Agency - Revises powers and duties of board with respect to school buildings Amends TCA Section 49-2-203, by *Kisber. (*SB3074 by *Cooper)

Senate Amendment No. 2

AMEND House Bill No. 2987 by deleting the words "and not on the basis of competitive bids" in Section 1:

AND FURTHER AMEND Section 1 by adding the following new language:

Contracts for such services shall be procured through competitive bids as provided in this subsection or by a request for proposals process. The request for proposals process will invite prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. Such factors shall include cost, vendor's qualification and any additional factor or factors deemed relevant by the procuring entity for procurement of the service; cost is not to be the sole criteria for evaluation. The contract for such services will be awarded to the best evaluated, responsive proposer.

Senate Amendment No. 3

AMEND House Bill No. 2987 by deleting the following language from the bill, as amended:

Section _____. Tennessee Code Annotated, Section 49-2-203, is amended by adding the following new language to be designated as (b)(12):

Contract with an independent contractor, either individually or in cooperation with other local education agencies, to provide alternative school services as required at Section 49-6-3402 and the rules of the state board of education. School funds appropriated to the school systems may be used to defray any and all expenses associated with the contractual obligation herein authorized.

Senate Amendment No. 4

AMEND House Bill No. 2987 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 49-2-203(a)(4)(C), is amended by adding the following new language:

A contract manager who provides construction management services must be a contractor licensed in Tennessee.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2, 3 and 4 to **House Bill No. 2987**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2992 -- Sunset Laws - Tennessee neighborhood development corporation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by *Kernell, *Garrett, *Brooks. (*SB2965 by *Haynes)

Senate Amendment No. 2

AMEND House Bill No. 2992 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-13-103, is amended by deleting such section in its entirety.

SECTION 2. Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the Tennessee neighborhood development corporation, created by Section 13-13-103, shall terminate and shall cease all activities upon the effective date of this act.

SECTION 3. This act shall take effect June 30, 1996, the public welfare requiring it.

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 2992.

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

Rep. Jones R (Shelby) requested that House Bill No. 2992 be moved to the heel of the Message Calendar.

MOTION TO RECONSIDER

***Senate Bill No. 3118 --** Obscenity and Pornography - Prohibits sale or production of sexually explicit material not containing federally required notice of where located records containing information pertaining to performers. by *Fowler, *Person, *Elsea, *Carter, *Rice, *Leatherwood. (HB3078 by *DeBerry J, *Hargrove, *Newton, *West, *Turner (Hamilton), *McDaniel, *Williams (Union), *Patton, *Dunn, *Burchett, *Armstrong, *Arriola, *Beavers, *Bell, *Bird, *Bittle, *Bowers, *Boyer, *Bragg, *Brooks, *Brown, *Byrd, *Ramsey)

Further consideration of Senate Bill No. 3118, previously considered on April 23, 1996, at which time the House lifted the tabling motion and withdrew Amendment No. 1.

Rep. DeBerry J moved the **Senate Bill No. 3118** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 429, amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 429 --** Memorials, Government Officials - Directs each state governmental entity to present its Title VI compliance reports and implementation

plan updates to Tennessee Black Caucus of State Legislators at its Annual Legislative Retreat. by *Brooks.

Senate Amendment No. 1

AMEND House Joint Resolution No. 429 by deleting all the clauses of the preamble.

AND FURTHER AMEND by deleting from the first resolving clause the language "shall present" and substituting instead the language "is encouraged to present".

Rep. Brooks moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 429**, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3119; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3119 -- Sports - Requires sports agents to register with and obtain permit from secretary of state; subjects such agents or employees of agents to civil liability, criminal penalties and permit revocation or suspension for violations of law. Amends TCA Title 49, Chapter 7, Part 21; Title 62 and Title 67, Chapter 4, Part 17. by *Sharp, *Buck, *Eckles, *Bragg, *Ridgeway, *Burchett, *Williams (Union), *Kent, *Fitzhugh, *Pinion, *White, *Lewis, *Wood, *Boyer, *Peach, *Stulce. (*SB3109 by *Gilbert, *Carter)

Senate Amendment No. 3

AMEND House Bill No. 3119 by inserting the following between the enacting clause and Section 49-7-2101:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by deleting Part 21 in its entirety and substituting instead the following:

FURTHER AMEND by deleting the following language from Section 49-7-2103(b)(2) of the amendatory language of SECTION 1:

| | |
|-----------------|--|
| CONTRACT | WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS |
| INTERCOLLEGIATE | CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO |
| PROVIDE THIS | COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID DISCIPLINARY |
| BY YOUR | ACTION BEING BROUGHT AGAINST YOU BY YOUR INSTITUTION, YOU |
| | MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS |
| | CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR |
| | INSTITUTION WITHIN 72 HOURS AFTER ENTERING INTO THIS |
| | OR PRIOR TO PRACTICING OR PARTICIPATING IN |
| | ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO |
| | NOTICE SUBJECTS YOU TO DISCIPLINARY ACTION |
| | INSTITUTION. |

and substituting instead the following:

| | |
|----------|---|
| YOUR | WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN |
| THIS | THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR |
| IN | ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO |
| | AVOID DISCIPLINARY ACTION BEING BROUGHT AGAINST YOU BY |
| | YOUR INSTITUTION AND POSSIBLE CIVIL LIABILITY, YOU MUST |
| | GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS |
| | CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF |
| | INSTITUTION WITHIN 72 HOURS AFTER ENTERING INTO |
| | CONTRACT OR PRIOR TO PRACTICING OR PARTICIPATING |
| | INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. |
| | FAILURE TO PROVIDE THIS NOTICE SUBJECTS YOU |
| TO | DISCIPLINARY ACTION BY YOUR INSTITUTION AND |
| POSSIBLE | CIVIL LIABILITY. |

FURTHER AMEND by deleting from subsection (b)(1) of Section 49-7-2104 of the amendatory language of SECTION 1 the language "Send a student athlete" and substituting instead the language "Contact a student athlete by sending him or her".

FURTHER AMEND by deleting from subsection (e) of Section 49-7-2105 of the amendatory language of SECTION 1 the words "The student" and substituting instead the words "If both are at fault, the student".

Rep. Sharp moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 3119**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 3119 and have this statement entered in the Journal: Rep(s). Kernell.

MESSAGE FROM THE SENATE April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2668; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2668 -- Economic and Community Development - Requires that racial composition of governing board for each regional and municipal planning commission, and development district be at least proportionately reflective of racial minority population in region or municipality served by commission or district. Amends TCA Title 13, Chapter 14, Part 1; Title 13, Chapter 3, Part 1 and Title 13, Chapter 4, Part 1. by *Brooks, *Brown, *Armstrong, *Turner (Shelby), *Jones R (Shelby), *Langster, *Pruitt, *DeBerry L, *Miller L, *Kernell, *Jones U (Shelby), *Towns, *DeBerry J, *Bowers. (*SB2326 by *Dixon)

Senate Amendment No. 1

AMEND House Bill No. 2668 by deleting from the amendatory language of Sections 1, 2, and 3 the language "shall ensure" and substituting instead the language "shall strive to ensure".

AND FURTHER AMEND by deleting Section 4 in its entirety and renumbering the subsequent section accordingly.

Rep. Brooks moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2668**, which motion prevailed by the following vote:

Ayes 88
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1419; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1419 -- General Assembly, Studies - Creates special joint committee to study integration of ex-offenders into society. by *DeBerry J, *Miller L, *Jones R (Shelby), *DeBerry L. (*SB1155 by *Kyle)

Senate Amendment No. 2

AMEND House Bill No. 1419 by deleting Section 7 and substituting instead the following:

The joint committee shall timely report its findings and recommendations, including any proposed legislation, to the 1997 session of the 100th General Assembly, at which time the committee shall cease to exist.

Rep. DeBerry J moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1419**, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 177; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 177 --** Education - Requires full time public school nurse for each 3,000 students or one full time position for each local education agency, whichever is greater. Amends TCA Title 49, Chapter 3, by *Givens, *Jones, S., *Duer. (SB317 by *Wallace)

Senate Amendment No. 1

AMEND House Bill No. 177 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-3-359(c)(1), is amended by deleting the period "." at the end of the second sentence and by substituting instead the following words and punctuation:

“; provided that after the BEP is fully funded, a local education agency must use such funds to directly employ or contract for a public school nurse as provided for in this subsection or must advise the department of education that the local education agency has affirmatively determined not to do so, in which case the local education agency shall notify the department of:

(A) the election against providing such service; and

(B) the alternative arrangement which the local education agency has made to meet the health needs of its students.

Rep. Givens moved that the House concur in Senate Amendment(s) No(s).1 to **House Bill No. 177**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2611; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2611 -- Physicians and Surgeons - Requires board of examiners in psychology to license as health service provider with practice limitations to DMHMR person hired at facility found to have serious understaffing by department of justice if person is licensed in another state and has excellent credentials. Amends TCA Title 63, Chapter 11. by *Whitson, *Walley. (*SB2687 by *Haun)

Senate Amendment No. 1

AMEND House Bill No. 2611 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 63-11-208, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding subsection (d), the board may designate as a health service provider, with practice restriction to recipients in a mental retardation facility under the department of mental health and mental retardation, a person who meets all of the following criteria:

1. He or she holds a doctorate in psychology from a regionally accredited institution;
2. He or she is currently licensed as a psychologist in at least one (1) state;
3. He or she has academic training in mental retardation and postdoctoral clinical experience in the field of mental retardation of at least five (5) years duration;
4. The department of mental health and mental retardation submits to the board a description of the applicant's proposed functioning at the mental retardation facility;
5. The department of mental health and mental retardation certifies that the applicant has training and experience adequate to perform his or her proposed functioning within the department, that the department is unable to recruit otherwise qualified psychologists to provide psychological services and that this inability threatens the integrity of the department's services and the ability of the department to meet the needs of its clients; and
6. Any psychologist granted designation as a health service provider by the board under this subsection shall surrender said designation upon termination of his or her employment with the department of mental health and mental retardation which designation shall, thereafter, be null and void.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 3

AMEND House Bill No. 2611 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 63-11-208(c), is amended by adding a new subdivision (7) as follows:

(7) The board may at its discretion consider equivalent training and experience when presented by qualified applicants with a doctoral degree in psychology whose credentials differ slightly than those prescribed in (c)(3) and (d)(1)(A) of this section provided this discretion is employed as the exception rather than the rule. In such exceptional cases, the applicant must petition the board for a waiver and specifically request the board utilize its discretionary authority.

Section _____. Tennessee Code Annotated, Section 63-11-207(c)(3), is amended by adding the following new language:

The board may at its discretion consider equivalent training and experience when presented by qualified applicants with a masters degree in psychology whose credentials differ slightly than those prescribed in (c)(3) of this section provided this discretion is employed as the exception rather than the rule. In such exceptional cases the qualified candidate must petition the board for a waiver and specifically request the board utilize its discretionary authority.

Senate Amendment No. 1 to Senate Amendment No. 3

AMEND Senate Amendment No. 3 by deleting the language "provided this discretion is employed as the exception rather than the rule "in the first sentence of new subdivision (7) of § 63-11-208(c) and in the first sentence of the new language added by § 63-11-207(c)(3).

Amend by deleting the word "exceptional" in the last sentence of new subdivision (7) of § 63-11-208(c) and in the first sentence of the new language added by § 63-11-507(c)(3).

Senate Amendment No. 2 to Senate Amendment No. 3

AMEND Senate Amendment No. 3 by adding at the end of the first section added by Amendment #3 the following:

In considering a waiver for any practicum requirement, the board shall consider:

(A) How long the applicant has practiced in any other state;

(B) Whether the applicant has ever been the subject of disciplinary action;

(C) When the applicant's education was completed; and

(D) Whether a practicum was offered or available at the time of the applicant's education.

AND FURTHER AMEND by adding at the end of the second section added by Amendment #3 the following:

In considering a waiver for any practicum requirement, the board shall consider:

(A) How long the applicant has practiced in any other state;

(B) Whether the applicant has ever been the subject of disciplinary action;

(C) When the applicant's education was completed; and

(D) Whether a practicum was offered or available at the time of the applicant's education.

Rep. Whitson moved that the House concur in Senate Amendment(s) No(s). 1 and 3 as amended to **House Bill No. 2611**, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2707; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2707 -- Teachers - Revises testing requirements relative to teacher licensure examination. Amends TCA Section 49-5-102 and Section 49-5-5605. by *Davidson. (*SB2703 by *Womack)

Senate Amendment No. 1

AMEND Senate Bill No. 2703 by adding the following new sentence at the end of the amendatory language in Section 1 of the printed bill:

Before such tests are placed in use, the board shall submit the tests to the joint oversight committee on education for review and comment.

Rep. Davidson moved that the House nonconcur in Senate Amendment No. 1 to **House Bill No. 2707**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 379** -- Barbers - Revises barbering law. Amends TCA Title 62, Chapter 3. by *Arriola. (SB965 by *Haynes)

Senate Amendment No. 1

AMEND House Bill No. 379 by deleting the effective date section and by substituting instead the following:

SECTION 13. This act shall take effect July 1, 1996, the public welfare requiring it.

Senate Amendment No. 2

AMEND House Bill No. 379 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 62, Chapter 3, Part 1, is amended by adding the following as a new, appropriately designated section:

IF a person is over fifty (50) years of age; ***AND IF*** such person has continuously engaged in the practice of barbering at the same

location for twenty-five (25) or more years immediately preceding January 1, 1995; **AND IF** such person's parent continuously engaged in the practice of barbering at such location for twenty-five (25) or more years immediately preceding January 1, 1980; **AND IF** such location is the site of not more than one barber's chair; **THEN:**

(1) Notwithstanding any educational and examination provisions of this chapter to the contrary, upon payment of the customary registration fee established for the current year for master barbers, such person shall be issued a valid, special certificate of registration authorizing the person to engage in the practice of barbering only at such location; **AND**

(2) Notwithstanding any shop inspection and approval provisions of this chapter to the contrary, upon payment of the customary registration fee established for the current year for single-chair barber shops, such person shall be issued a valid, special certificate of registration authorizing the person to operate such location as a barber shop.

Rep. Arriola moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 379**, which motion prevailed by the following vote:

Ayes..... 91
Noes 3

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Beavers, Clabough, Herron -- 3.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2289** -- Education, Higher - Allows LEAs to provide interest free loans to teachers seeking post-graduate degree in subject area or field in which they teach. Amends TCA Title 49, Chapter 5. by *Ritchie. (SB2821 by *Womack)

Senate Amendment No. 2

AMEND House Bill No. 2289 by inserting the words "made for this purpose" between the words "appropriations" and "and" in the first sentence of subsection (b) of the amendatory language of Section 1 of the printed bill.

AND FURTHER AMEND by adding the following new subsection at the end of the amendatory language of Section 1 of the printed bill:

(g) Such interest free loan program authorized by this section shall be subject to the prior approval of the local school board and the applicable county or municipal legislative body. Nothing herein shall require the approval of individual loans.

Rep. Ritchie moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2289**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2992 -- Sunset Laws - Tennessee neighborhood development corporation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by *Kernell, *Garrett, *Brooks. (*SB2965 by *Haynes)

Further consideration of House Bill No. 2992, previously considered on today's Message Calendar.

On motion, House Bill No. 2992 was held on the Clerk's desk to be heard at the call of Representative Garrett.

RULES SUSPENDED

Rep. Purcell moved to suspend the rules to allow Senate Joint Resolution(s) No(s). 402 and 423 be heard by the Transportation Committee during the noon recess, which motion prevailed.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2916; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE AMENDMENTS

House Bill No. 2916 -- Civil Service - Establishes right of reassignment for career service employees who become part of executive service; permits career service incumbent assigned to executive service to retain civil service rights while successors would be part of executive service. Amends TCA Section 8-30-208, by *Purcell, *DeBerry L, *Ridgeway, *Rinks, *Hargrove, *Chumney, *Jones R (Shelby), *Givens, *Bell, *Winningham, *Miller L, *Rhinehart, *Kernell, *Pruitt, *Fowlkes, *Armstrong, *West, *Jones, S., *Stulce, *Turner (Hamilton), *Bowers, *DeBerry J, *Fitzhugh, *Langster, *McMillan, *White, *Windle, *Bragg, *Brooks, *Cantrell, *Curtiss, *Wood, *McDaniel, *Walley, *Venable, *Kisber. (*SB2275 by *Crutchfield, *Rochelle, *Haun, *Holcomb)

Senate Amendment No. 1

AMEND House Bill No. 2916 by adding at the end of Section 1 subsection (f) the following new subdivisions:

(4) A person occupying the position of commissioner, deputy commissioner, or assistant commissioner for more than five (5) years does not have the right of reassignment established by this subsection.

(5) The placement of any person in accordance with the provisions of this subsection may not be made to position which would cause the separation of any other regular civil service employee.

Senate Amendment No. 7

AMEND House Bill No. 2916 by deleting Section 1(f)(2) and substituting instead the following:

This employment right applies only when the employee held a career service position for five (5) or more years and held a career service position the immediately preceding twelve (12) months before the executive service appointment. If no vacancy exists in the same classification held prior to the

executive service appointment, the employee shall be appointed to a vacant position in accordance with civil service procedures for hiring. In the event there is a reduction-in-force in the career service, the reduction-in-force procedures shall take precedence.

Senate Amendment No. 8

AMEND House Bill No. 2916 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. The provisions of this act shall not apply to any position that involved a termination that occurred as a result of a reclassification before the effective date of this act, but this act shall apply to any other position reclassified since June 1, 1995.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1, 7 and 8 to **House Bill No. 2916**, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, , Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2433; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2433 -- Taxes, Real Property - Increases income threshold for property tax relief for the elderly and disabled from \$10,000 to \$12,400. Amends TCA Title 67, Chapter 5, Part 7. by *Head, *Cole (Carter), *Odom, *Langster, *Jones, S.,

*Eckles, *West, *Turner (Hamilton), *White, *Chumney, *Rinks, *Kernell, *Kisber, *Stamps, *Rigsby, *Rhinehart, *Fitzhugh, *Huskey, *Cole (Dyer), *Fowlkes, *Hassell, *McDonald, *Dunn, *Tindell, *Byrd, *Winningham, *Duer, *Purcell, *Beavers, *Bird, *Newton, *Hicks, *Cross, *Bragg, *McAfee, *Cantrell, *Hargrove, *Williams (Union), *Brooks, *Herron, *Burchett, *Arriola, *Roach, *Curtiss, *Naifeh, *Gunnels, *Armstrong, *Garrett, *Kerr, *Stulce, *Windle, *Davis, *Phelan, *Bell, *Sharp, *Boyer, *DeBerry L, *Davidson, *Givens, *McKee, *Pinion, *Buck, *Ridgeway, *Shirley, *Patton, *McMillan, *Williams (Williamson), *Jackson, *McDaniel, *Ford S, *Lewis, *DeBerry J, *Kent, *Walley, *Whitson, *Peach, *Bowers. (*SB2127 by *Wallace, *Koella, *Harper)

Senate Amendment No. 1

AMEND House Bill No. 2433 by deleting Section 1 of the amendatory language and by substituting the following:

Section 1. Tennessee Code Annotated, Section 67-5-704, is amended by deleting the words and figures "one hundred twenty thousand dollars (\$120,000)" wherever it appears and by substituting the words and figures "one hundred forty thousand dollars (\$140,000)".

Rep. Head moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2433**, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 1:30 p.m.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 25, 1996**, reported the following:

TRANSPORTATION

The Transportation Committee recommended for passage: Senate Joint Resolution(s) No(s). 402 and 423. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Supplemental Regular Calendar No. 2** for **April 25, 1996**: House Bill(s) No(s). 2094.

The Committee set the following bill(s) and/or resolution(s) on the **Supplemental Consent Calendar** for **April 25, 1996**: Senate Joint Resolution(s) No(s). 402 and 423.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

QUORUM CALL

A quorum call was taken with the following results:

Present 82

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jones, S., Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

ROLL CALL DISPENSED WITH

On motion of Rep. Purcell, the roll call was dispensed with.

SUPPLEMENTAL REGULAR CALENDAR

***House Bill No. 2485** -- Day Care - Specifies licensure requirements and procedures for adult day care facilities Amends TCA Title 68. by *Bowers, *Towns, *Jones, S., *Miller L, *Brooks, *Patton, *DeBerry J, *Stamps, *Eckles, *Haley, *Kerr, *Hassell, *Joyce, *Byrd, *Jones R (Shelby), *Pinion, *Turner (Shelby), *Jones U (Shelby),

*Kent, *Phelan, *Huskey, *Tindell, *Armstrong, *Burchett, *Cross, *Ford S, *Davis, *Dunn, *Clabough, *Lewis, *Odom, *Pruitt. (SB2864 by *Cohen, *Koella, *Cooper, *Rice)

On motion, House Bill No. 2485 was made to conform with **Senate Bill No. 2864**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 2864 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Bragg moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Bragg moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2864 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 15 as a new chapter:

SECTION 2. As used in this chapter, unless the context otherwise requires:

(1) "Department" means the department of human services;

(2) "Commissioner" means the commissioner of human services;

(3) "Adult day care" means services provided to ten (10) or more adult recipients, for more than three (3) hours per day, by a provider of such services who is not related to such adult, pursuant to an individualized plan of care designed to maintain or restore each adult's optimal capacity for self-care through medical or social services; and

(4) "Adult day care center" means a facility which provides adult day care services.

(5) "Related" means, for purposes of this part a person who is related to the adult day care services recipient

as a legal or biological parent, child, sibling, aunt, uncle, grandparent of any degree, or cousin to the third degree, or a step-parent, or a step-grandparent of any degree.

SECTION 3. (a) No person or any entity of any kind, public or private, shall provide adult day care in this state without first obtaining a license as provided in this chapter.

(b) If any person or entity appears to be subject to the licensing requirements of this part and is currently licensed by any other agency of state government, the commissioner shall consult with the head of such other state agency, and, if after such consultation, the commissioner determines that the services to adults which are provided by the person or entity are adequately regulated by the licensing requirements of that other state agency, then the commissioner may determine that no licensing of such person or entity by the department pursuant to this part shall be necessary.

SECTION 4. The department, prior to issuing a new license, shall secure from an appropriate law enforcement agency records of any criminal activity, other than minor traffic violations, of the administrator, program director, fiscal officer, direct care workers, and paid employees of the proposed adult day care center. The individual investigated shall pay for all expenses for securing such records. The department shall obtain the records each time these positions are to be filled. A past conviction of any crime, especially any crime involving misuse of funds or involving physical abuse shall, in the discretion of the department, be grounds for denial of a license.

SECTION 5. If an adult day care center is operated only by a municipality or county or by a nonprofit corporation, no part of the net earnings may lawfully inure to the benefit of any private shareholder or individual. An applicant for initial licensure as an adult day care center shall file with the department, pursuant to its regulations, an application on forms furnished by the department, which shall include, but not be limited to, the following:

(a) Evidence satisfactory to the department that the applicant, its directors, and officers, if the applicant is a nonprofit corporation, and the person designated to manage the day-to-day affairs of the proposed adult day care center are of reputable and responsible character.

(b) Evidence satisfactory to the department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto by the department.

(c) Such other information as may be required by the department for the proper administration and enforcement of this chapter.

SECTION 6. (a) The department may issue only a provisional license for any applicant for a license as an adult day care center which is not currently licensed by the department. Except as provided in subsection (d), the provisional license shall be limited to a maximum period of one (1) year, but may be for such shorter period as the department may determine.

(b) The provisional license shall be issued only if:

(1) The adult day care center and the applicant for licensure substantially meet the standards specified by this chapter and the regulations adopted pursuant to this chapter;

(2) No violation of this chapter or a regulation adopted under this chapter exists in the proposed adult day care center which jeopardizes the health or safety of the adults in the facility; and

(3) The applicant has adopted a plan for the correction of any existing violations which is satisfactory to the department.

(c) The department shall not apply less stringent criteria when granting a provisional license pursuant to this part than it applies when granting a regular annual license.

(d) Within thirty (30) days prior to termination of the provisional license, the department shall conduct a full and complete inspection of the adult day care center, and, if the adult day care center meets all applicable requirements for licensure, a regular annual license shall be issued. If the inspection demonstrates that substantial progress in meeting the standards for operation of an adult day care center is demonstrated by the applicant prior to the expiration of the provisional license, the department may extend the provisional license for a period not to exceed six (6) months.

(e) If there has not been substantial progress in meeting the standards for operation of an adult day care center at the time of the inspection, or if the department determines upon an inspection made within thirty (30) days prior to the expiration of the six (6) month extension of a provisional license that full compliance with the standards for operation of an adult day care center has not been demonstrated by the applicant, no extension of the provisional license, and no regular annual license, shall be issued.

SECTION 7. (a) If during the period of any license issued by the department, it determines that the license issued to the adult day care center should be revoked because of failure to comply with the standards of this part or the regulations adopted pursuant to this part for the operation of such a center, the department may, after notice and an opportunity to show compliance with all lawful requirements for retention of the license, revoke such license upon sixty (60) days notice to the licensee or other person responsible for the day-to-day operation of the adult day care center.

(b)

(1) A license may be summarily suspended by the department if, pursuant to the provisions of § 4-5-320, the department finds in its summary suspension order that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, and that the order states what action must be taken by the licensee to immediately effect compliance with the licensing standards.

(2) The summary suspension order shall be reviewed by a hearing officer appointed by the commissioner within five (5) working days of the suspension order, excluding Saturdays, Sundays, and legal holidays, who shall make a written determination of whether probable cause exists for continuance of the suspension order after opportunity for response and an informal hearing before such officer by the licensee.

(3) The department shall adopt such other rules as may be necessary to provide due process procedures involving the licensing of adult day care centers which are consistent with law, and to accomplish the revocation, denial and suspension of license procedures as may be required by this part.

SECTION 8. No applicant which is licensed as a health facility, community care facility, or clinic may be issued a license for an adult day care center while there exists a substantial, uncorrected violation of the statutes or regulations relating to such license.

SECTION 9. Each application submitted to the department for a new license or for the renewal of a license shall be accompanied by a fee. Such fee shall be paid annually and shall be the same as the fee set by Section 71-3-506(b)(3) for applications for day care centers.

Any adult day care center which is operated by a public, non-profit agency or local municipality operating under a grant from the

department of human services and which pays an administrative fine as part of the monitoring requirements of such grant shall be exempt from the licensure fee.

SECTION 10. (a) Each license issued or renewed pursuant to this chapter shall not be transferable to any other person or entity, and the sale, or transfer of the adult day care facility by any means, from the person or entity which is named as the licensee to any other person or entity shall require an application by the transferee for a provisional license and the payment of the required licensing fee. The adult day care center, the ownership or control of which has been transferred by the existing licensee, may not continue operation until a provisional license is granted to the transferee.

(b) The regular annual license shall expire twelve (12) months from the date of its issuance; provided, however, the commissioner may approve applications for relicensure of regular annual licensees as a biennial licensee. If a biennial license is granted, the commissioner may limit the biennial license to an annual license at the next renewal period. An application for an annual or biennial license shall be accompanied by the appropriate fee for an annual or biennial license and shall be received by the department not less than thirty (30) days prior to the expiration date of the license. Failure to timely submit a renewal application of a regular annual or biennial license, or for a regular annual license after issuance of a provisional license, shall result in expiration of the license.

SECTION 11. Immediately upon the denial of any application for issuance or renewal of a license or upon the revocation of any license, the department shall notify the applicant in writing. Not later than ten (10) days after the department mails the notice, the applicant may submit a written petition for a hearing to the department. Upon receipt by the department of the petition in proper form, such petition shall be set for hearing. The hearing shall be held within sixty (60) days of receipt of the petition. The proceedings shall be conducted in accordance with the Uniform Administrative Procedures Act, in Title 4, Chapter 5, with the department having all the powers granted therein to ensure:

(a) Compliance with regulations adopted pursuant to this chapter;

(b) Continued demonstrated community need;

(c) Conformity of the program to individual participants' assessed and reassessed needs and interests with particular attention to visual, auditory, and equipment needs;

(d) Suitability of program changes to the community and participants served; and

(e) Compliance with any requirements of law or regulations pertaining to fire and safety.

SECTION 12.

(a) The department may conduct inspections of every licensed facility or suspected adult day care center. The evaluation method adopted by the department shall be published and distributed to each licensed adult day care center and any other interested person.

(b) Any duly authorized officer, employee, or agent of the department may, upon presentation of proper identification, enter and inspect any place providing adult day care at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter or any regulation adopted hereunder. If refused entrance for inspection of a licensed or suspected adult day care center, the chancery or circuit court of the county where the licensed or suspected adult day care center may be located may issue an immediate ex parte order permitting the department's inspection upon a showing of probable cause and the court may direct any law enforcement officer to aid the department in executing such order and inspection. Refusal to obey such order may be punished as contempt.

(c)(1) If any complaint is made to the department concerning any alleged violation of the laws, standards or regulations governing an adult day care center, the department shall investigate such complaint and shall take such action as it deems necessary to protect adults in the care of such center.

(2) If during the licensing period the department discovers that an adult day care center is not in compliance with the laws, standards or regulations governing its operation, and if after reasonable written notice to the agency of the violation, the violation remains uncorrected, the department may place the licensed adult day care center on probation.

(3) Prior to placing the center on probation, the department shall give the center written notice by personal delivery, or by certified mail, return receipt requested, of the basis for its action. The center may appeal such action in writing to the commissioner within ten (10) days of the receipt of the notice. If timely appealed, the commissioner or the

commissioner's designee shall hold an informal hearing concerning the proposed action. The hearing officer designated by commissioner shall issue a decision in writing within ten (10) days of the hearing. The decision of the hearing officer shall be final.

(4) If placed on probation, the center shall post a copy of the notice in a conspicuous place as directed by the department and with the center's license, and the center shall notify the responsible relatives or conservators or guardians of each of the adults in its care in writing of the center's status and the basis for the probation.

(5) If the center corrects the violation after being placed on probation, the department shall immediately remove the probationary status and the center shall not be further required to post any notice of probation and may notify the responsible relatives or conservators or guardians of the adults in its care of its corrected status. If the department determines that the violation has not been corrected, it shall notify the center in writing of the basis of its determination. The center may appeal as provided in subdivision (3). If the decision upon appeal is that the center should remain on probation, the center may then, notwithstanding any provision of law to the contrary, file a petition for judicial review of the decision of the hearing officer as provided pursuant to § 4-5-322 to the chancery court of the county where the center is located.

(6) The department shall maintain a record of the hearings held under subdivisions (3) and (5) and such record shall become the record for judicial review pursuant to subdivision (5).

(7) The provisions of this subsection shall be discretionary by the department, and shall not be a prerequisite to any licensing action to summarily suspend, or to deny, or revoke a license of an adult day care center.

(d) The department shall make available to all interested persons a list of all licensed adult day care centers and the services that each facility provides. Reports on the results of each inspection, evaluation, or consultation performed pursuant to this section shall be kept on file in the department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection during regular business hours.

SECTION 13. The department shall require each adult day care center caring for ten (10) or more persons to have a governing

board. The governing board of an adult day care center, having final authority and responsibility for conduct of the center, shall be comprised of four (4) or more persons. The governing board may include members who may be recipients of the services of the adult day care center, relatives of such recipients, or representatives of community organizations with particular interest in programs for the elderly. No member of the governing board, nor any member of the immediate family thereof, shall have any direct or indirect interest in any contract for supplying services to the adult day care center.

SECTION 14. Each adult day care center that files an affidavit with the department as of January 1, 1997, certifying that such facility is in existence and in operation shall have two (2) years to fully comply with the provisions of this chapter.

SECTION 15. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5. All rules and regulations promulgated to effectuate the purposes of this act shall also be reviewed by the senate general welfare, health and human resources committee and the house health and human resources committee.

SECTION 16. There is hereby established an advisory committee consisting of not less than seven (7) members appointed by the commissioner. The advisory committee shall assist the commissioner in implementing the provisions of this act. The advisory committee shall reflect the diversity of this state with respect to urban and rural areas, the three grand divisions, and the various ethnic groups of this state.

SECTION 17. The provisions of this act shall be null and void unless the general appropriations act provides an appropriation for the estimated first year's funding pursuant to Article II, Section 24, of the constitution of the state of Tennessee.

SECTION 18. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 19. The provisions of this act are declared to be remedial in nature and the provisions of this act shall be liberally construed to effectuate its purposes.

SECTION 20. It is the intent of the general assembly that the provisions of this act, with the exception of the employment of one

(1) employee to assist in the implementation of this act, be implemented within the existing resources of the department of human services.

SECTION 21. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 1997, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. Bowers moved that **Senate Bill No. 2864**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 95 |
| Noes | 0 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Coffey -- 1.

A motion to reconsider was tabled.

House Bill No. 335 -- Education - Lowers age of required school attendance from seven to five to comport with mandatory kindergarten; allows six year olds to enter first grade at any time in semester. Amends TCA Title 49, Chapter 6, Part 30. by *Towns. (*SB163 by *Cohen)

Rep. Towns moved that House Bill No. 335 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 335 by deleting Sections 1 through 4 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3001(a) and (b), is amended by deleting the word and figure "six (6)" wherever they appear and substituting the word and figure "five (5)".

SECTION 2. Tennessee Code Annotated, Section 49-6-3001(c)(1), is amended by deleting the word and figure "seven (7)" and substituting the word and figure "six (6)".

SECTION 3. Tennessee Code Annotated, Section 49-6-3005(a), is amended by deleting the word and figure "seven (7)" and substituting the word and figure "six (6)".

SECTION 4. Tennessee Code Annotated, Section 49-6-3007(g), is amended by deleting the word and figure "seven (7)" and substituting the word and figure "six (6)".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 2

AMEND House Bill No. 335 by adding the following new sections, to be appropriately designated, prior to the effective date section, and renumbering such section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3001(c)(2), is amended by redesignating subdivision (c)(2)(C) to be (c)(2)(D), and by adding a new subdivision (c)(2)(C), as follows:

(c) Is age six (6) or younger and whose parent or guardian has filed a notice of intent to conduct a home school with the superintendent of local education agency or with the superintendent of a church related school;

SECTION _____. Tennessee Code Annotated, Section 49-6-3005(a), is amended by adding the following before the colon:

involving children who are enrolled in a public school and, as to children enrolled in a non-public school, as defined by Section 49-6-3001(c)(3)(A), the superintendent of the school to be the sole judge in all such cases

SECTION _____. Tennessee Code Annotated, Section 49-6-3005(a), is further amended by deleting the word "and" at the end of subdivision (3), by

redesignating subdivision (4) to be subdivision (5) and by adding a new subdivision (4), as follows:

Children ages six (6) or under whose parent or guardian have filed a notice of intent to conduct a home school as provided by Section 49-6-3001 or who are conducting a home school as provided by Section 49-6-3050; and

SECTION _____. Tennessee Code Annotated, Section 49-6-3007(g), is amended by adding the following to the beginning of the subpart:

Except as otherwise provided by Section 49-6-3001 or Section 49-6-3005,

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 335 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 335 by deleting Sections 1 through 4 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3001(c)(1), is amended by deleting the word and figure "seven (7)" and substituting the word and figure "six (6)".

SECTION 2. Tennessee Code Annotated, Section 49-6-3005(a), is amended by deleting the word and figure "seven (7)" and substituting the word and figure "six (6)".

SECTION 3. Tennessee Code Annotated, Section 49-6-3007(g), is amended by deleting the word and figure "seven (7)" and substituting the word and figure "six (6)".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. Dunn moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 335 by adding the following new section to be appropriately designated:

SECTION _____. Any parent who believes that his or her child is not ready for a structured school setting at age six (6) may apply to the local superintendent for a one (1) year attendance waiver, allowing such child to enter kindergarten at age seven (7).

On motion, Amendment No. 5 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Towns moved that **House Bill No. 335**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 70 |
| Noes | 22 |
| Present and not voting | 2 |

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Beavers, Bragg, Burchett, Coffey, Dunn, Gunnels, Haley, Kerr, McAfee, McDaniel, McKee, Newton, Peach, Ramsey, Roach, Shirley, Stamps, Venable, Walley, Westmoreland, Williams (Union), Wood -- 22.

Representatives present and not voting were: Cantrell, Whitson -- 2.

A motion to reconsider was tabled.

OUT OF ORDER

Senate Joint Resolution No. 444 -- General Assembly, Adjournment, Recess - Adjourns 99th General Assembly sine die on Wednesday, April 24, 1996. by *Burks, *Crutchfield, *Atchley.

Rep. Purcell moved that Senate Joint Resolution No. 444 be concurred in.

Rep. Purcell moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 444 by deleting the resolving clause in its entirety and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH
GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF
REPRESENTATIVES CONCURRING, That the Ninety-Ninth
General Assembly stand in recess at the close of business in both houses on
Thursday, April 25, 1996, and reconvene on Friday, May 31, 1996 at 5:00
p.m. (CDT).

BE IT FURTHER RESOLVED, That pursuant to Section 16 of Article II of the Constitution of Tennessee, the House of Representatives by its concurrence in this resolution consents to such recess.

BE IT FURTHER RESOLVED, That the Ninety-Ninth General Assembly stand in adjournment sine die at the close of business in both houses on Saturday, June 1, 1996.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **Senate Joint Resolution No. 444**, as amended, be concurred in, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

RECOGNITION

Representatives Purcell and Bittle were recognized in the Well for the presentation of a gift to Speaker Naifeh.

SUPPLEMENTAL REGULAR CALENDAR CONTINUED

House Bill No. 3107 -- State Prisoners - Imposes joint responsibility upon department of correction and TBI to investigate and determine underlying facts of certain alleged crimes perpetrated upon state prisoners housed within county or private

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correctional facilities. Amends TCA Title 38, Chapter 6, Part 1; Title 41, Chapter 21, Part 2 and Title 41, Chapter 24. by *Brown. (*SB3029 by *Crutchfield)

On motion, House Bill No. 3107 was made to conform with **Senate Bill No. 3029**; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that Senate Bill No. 3029 be passed on third and final consideration.

On motion, Rep. Williams(Williamson) withdrew Judiciary Committee Amendment No. 1.

Rep. Brown moved that **Senate Bill No. 3029** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Bird -- 1

A motion to reconsider was tabled.

***Senate Joint Resolution No. 318** -- Memorials, Government Officials - Expresses support for salary increase for state employees; urges governor to include 8 percent salary increase for all state employees in General Appropriations Act for FY 1996-1997. by *Dixon.

Rep. Jones U (Shelby) moved that Senate Joint Resolution No. 318 be concurred in.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Jones U (Shelby) moved that **Senate Joint Resolution No. 318** be concurred in, which motion prevailed by the following vote:

Ayes..... 96

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 318 -- Garnishments and Executions - Increases exemption from execution, seizure or attachment for tools of trade from \$750 to \$2,250. Amends TCA 26-2-111. by *Arriola. (*SB114 by *Jordan)

On motion, House Bill No. 318 was made to conform with **Senate Bill No. 114**; the Senate Bill was substituted for the House Bill.

Rep. Arriola moved that Senate Bill No. 114 be passed on third and final consideration.

Rep. Williams(Williamson) moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 114 by deleting in the amendatory language of Section 1 of the printed bill the language "two thousand two hundred fifty dollars" and by substituting instead the language "one thousand nine hundred dollars (\$1900)".

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved the previous question, which motion prevailed.

Rep. Arriola moved that **Senate Bill No. 114**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 51
Noes 37
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bowers, Bragg, Brown, Buck, Byrd, Cantrell, Chumney, Coffey, Cross, Curtiss, DeBerry, J., DeBerry, L.,

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Dunn, Ford, Fowlkes, Gunnels, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, McMillan, Miller, Odom, Peach, Pinion, Pruitt, Purcell, Ritchie, Robinson, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Whitson, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Bittle, Burchett, Clabough, Cole (Carter), Cole (Dyer), Davidson, Davis, Duer, Eckles, Fitzhugh, Garrett, Givens, Haley, Head, Huskey, Lewis, McAfee, McDaniel, McDonald, Newton, Newton, Patton, Phelan, Ramsey, Rhinehart, Rigsby, Rinks, Roach, Sharp, Shirley, Venable, Walley, Westmorland, White, Williams (Union), Windle, Wood -- 37.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 1378 -- Public Defenders - Authorizes 17 new assistant public defender positions. Amends TCA Title 8, Chapter 14. by *Purcell, *Hargrove, *Cole (Carter), *Buck, *Rinks, *Chumney, *Fowlkes, *Armstrong, *Jackson, *White, *Bell. (*SB889 by *Crowe, *Atchley, *Gilbert, *Rochelle)

Rep. Purcell requested that House Bill No. 1378 be moved down 10 places on the Calendar.

House Bill No. 1225 -- Fire Prevention and Investigation - Establishes Fire Service and Codes Enforcement Academy in department of commerce and insurance; provides for construction of new training academy facility. Amends TCA Title 68, Chapter 102. Repeals TCA 49-8-701. by *Bragg. (*SB920 by *Womack)

Rep. Bragg requested that House Bill No. 1225 be moved to the heel of all Calendars.

House Bill No. 2085 -- Election Laws - Extends election commission office hours of fourth class counties if registrar certified; revises percentage basis for calculating salary of certified registrars; increases state contributions to compensation. Amends TCA Section 2-12-208; Section 2-12-209 and Section 2-2-108. by *Bragg, *Head. (*SB2095 by *Rochelle)

Rep. Bragg requested that House Bill No. 2085 be moved to the heel of all Calendars.

House Bill No. 2345 -- Taxes, Franchise - Defines "foreign entity" and "closely affiliated" corporation for purposes of franchise tax deductions. Amends TCA Section 67-4-905. by *Bragg, *Eckles. (*SB2167 by *Womack)

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On motion, House Bill No. 2345 was made to conform with **Senate Bill No. 2167**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 2167 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Bragg moved that **Senate Bill No. 2167** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 697** -- Firefighters - Authorizes state fire service academy. Amends TCA Title 68, Chapter 102. Repeals TCA 49-8-701. by *Bragg, *Pinion, *Ford S., *Lewis, *Stulce, *Walley, *Kent, *Boyer, *Bittle, *Ramsey, *McDonald, *Sharp, *Rigsby, *Shirley, *Haley, *McAfee, *Coffey, *Cole (Carter), *McDaniel, *Fitzhugh, *Whitson, *Naifeh, *Turner (Hamilton), *Windle, *Armstrong, *Hassell, *Williams (Williamson), *Buck, *Kisber, *Davidson, *Winningham, *Ritchie, *Kernell, *Brooks, *Fowlkes, *Cross, *Rhinehart, *West, *Head, *Phillips, *Rinks, *Napier, *Garrett, *Herron, *Byrd, *Callicott, *Westmoreland, *Davis. (SB1137 by *Womack, *Haun, *Leatherwood, *Wright, *Person, *Cooper, *McNally, *Rice, *Carter, *Koella, *Elsea, *Holcomb, *Crutchfield, *O'Brien, *Wallace, *Crowe, *Springer, *Hamilton, *Miller J)

On motion, House Bill No. 697 was made to conform with **Senate Bill No. 1137**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 1137 be passed on third and final consideration.

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Rep. Jones U (Shelby) moved the previous question, which motion prevailed.

Rep. Bragg moved that **Senate Bill No. 1137** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

***House Bill No. 1020** -- Hospitals and Health Care Facilities - Establishes new CON requirements for new nursing home beds; authorizes CON for certain special demonstration or experiment project for long-term care service or system never provided in Tennessee. Amends TCA Title 68, Chapter 11. by *Rhinehart, *Bell, *McDaniel. (SB351 by *Cooper)

On motion, House Bill No. 1020 was made to conform with **Senate Bill No. 351**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 351 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways & Means s Committee Amendment No. 1 as House Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways & Means s Committee Amendment No. 2 as House Amendment No. 3.

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On motion, Rep. Bragg withdrew Finance, Ways & Means s Committee Amendment No. 3 as House Amendment No. 4.

Rep. McDaniel moved the previous question, which motion prevailed.

Rep. Rhinehart moved that **Senate Bill No. 351** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 88 |
| Noes | 0 |
| Present and not voting..... | 6 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Bowers, Brooks, Brown, Jones, S., Odom, Peach -- 6.

A motion to reconsider was tabled.

House Bill No. 2953 -- Judicial Districts - Codifies five judgeships creating additional circuit court judge position in 13th, 16th, 21st, 22nd and 26th judicial districts Amends TCA Section 16-2-506(13)(A); Section 16-2-506(16)(A); Section 16-2-506(21)(A); Section 16-2-506(22)(A) and Section 16-2-506(26)(A). by *Buck, *Bragg, *Kisber, *White, *Curtiss, *Eckles, *McDaniel, *Williams (Williamson), *Hargrove, *Peach, *Duer, *Beavers, *Fowlkes. (*SB3002 by *Person)

On motion, House Bill No. 2953 was made to conform with **Senate Bill No. 3002**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 3002 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 3002 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. It is the intention of the general assembly to codify the five (5) judgeships created pursuant to Chapter 492 of the Public Acts of 1995 and funded by Chapter 549 of the Public Acts of 1995.

SECTION 2. Tennessee Code Annotated, Section 16-2-506(13)(A), is amended by deleting the semicolon ";" at the end of subsection (13)(A) and substituting instead a period "." and by adding the following to the end of such subsection:

Effective September 1, 1996, there is created a criminal court in the thirteenth judicial district. At the August 1996 general election, the qualified voters of the thirteenth judicial district shall elect a person in accordance with the provisions of § 16-2-505, to serve as judge of the criminal court created by this section. The person so elected shall serve until September 1, 1998, or until such person's successor is elected and qualified. At the August 1998 general election, the qualified voters of the thirteenth judicial district shall elect a criminal court judge in accordance with the provisions of § 16-2-505 for a full eight year term;

SECTION 3. Tennessee Code Annotated, Section 16-2-506(16)(A), is amended by deleting the semicolon ";" at the end of subsection (16)(A) and substituting instead a period "." and by adding the following to the end of such subsection:

(iii) Effective September 1, 1996, there is created an additional circuit court in the sixteenth judicial district. At the August 1996 general election, the qualified voters of the sixteenth judicial district shall elect a person in accordance with the provisions of § 16-2-505, to serve as judge of the circuit court created by this section. The person so elected shall serve until September 1, 1998, or until such person's successor is elected and qualified. At the August 1998 general election, the qualified voters of the sixteenth judicial district shall elect a circuit court judge in accordance with the provisions of § 16-2-505 for a full eight year term;

SECTION 4. Tennessee Code Annotated, Section 16-2-506(21)(A), is amended by deleting the semicolon ";" at the end of subsection (21)(A) and substituting instead a period "." and by adding the following to the end of such subsection:

Effective September 1, 1996, there is created an additional circuit court in the twenty-first judicial district. At the August 1996 general election, the qualified voters of the twenty-first judicial district

shall elect a person in accordance with the provisions of § 16-2-505, to serve as judge of the circuit court created by this section. The person so elected shall serve until September 1, 1998, or until such person's successor is elected and qualified. At the August 1998 general election, the qualified voters of the twenty-first judicial district shall elect a circuit court judge in accordance with the provisions of § 16-2-505 for a full eight year term;

SECTION 5. Tennessee Code Annotated, Section 16-2-506(22)(A), is amended by deleting the semicolon ";" at the end of subsection (22)(A) and substituting instead a period "." and by adding the following to the end of such subsection:

Effective September 1, 1996, there is created an additional circuit court in the twenty-second judicial district. At the August 1996 general election, the qualified voters of the twenty-second judicial district shall elect a person in accordance with the provisions of § 16-2-505, to serve as judge of the circuit court created by this section. The person so elected shall serve until September 1, 1998, or until such person's successor is elected and qualified. At the August 1998 general election, the qualified voters of the twenty-second judicial district shall elect a circuit court judge in accordance with the provisions of § 16-2-505 for a full eight year term;

SECTION 6. Tennessee Code Annotated, Section 16-2-506(26)(A), is amended by deleting the semicolon ";" at the end of subsection (26)(A) and substituting instead a period "." and by adding the following to the end of such subsection:

Effective September 1, 1996, there is created an additional circuit court in the twenty-sixth judicial district. At the August 1996 general election, the qualified voters of the twenty-sixth judicial district shall elect a person in accordance with the provisions of § 16-2-505, to serve as judge of the circuit court created by this section. The person so elected shall serve until September 1, 1998, or until such person's successor is elected and qualified. At the August 1998 general election, the qualified voters of the twenty-sixth judicial district shall elect a circuit court judge in accordance with the provisions of § 16-2-505 for a full eight year term;

SECTION 7. For the purpose of preparing the ballot and otherwise conducting the election in August 1996 for the judgeships created by this act, this act shall take effect upon becoming a law, the public welfare requiring it. For the purpose of qualifying for and seeking election to such judgeships at the August 1996 general election, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect September 1, 1996, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

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Rep. Buck moved that **Senate Bill No. 3002**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 94 |
| Noes | 0 |

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

House Bill No. 3058 -- Sentencing - Raises fees imposed on offenders serving sentences under supervision of community corrections grantee. Amends TCA Title 40, Chapter 36, by *McKee, *Bittle, *McDaniel, *Gunnels, *Roach, *Rhinehart, *Cole (Carter), *Rinks, *Phelan, *Davis, *Newton. (*SB3173 by *McNally, *Atchley, *Leatherwood, *Koella, *Elsea, *Hamilton, *Person)

Rep. McKee requested that House Bill No. 3058 be moved to the heel of the Calendar.

***House Bill No. 2372** -- Crime, Victims of - Requires judges, sheriff, court administrator and building manager of courthouse in each county to meet and devise plan by September 1, 1996, whereby victim and prosecution witnesses have waiting room separate and secure from defendant and defense witnesses throughout judicial process. Amends TCA Title 40, Chapter 38, Part 1, by *Jackson, *Williams (Williamson). (SB2541 by *Springer)

On motion, House Bill No. 2372 was made to conform with **Senate Bill No. 2541**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 2541 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Jackson moved that **Senate Bill No. 2541** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2266 -- Education - Changes from 45 to 60 number of days allowed for filing objection on state board action under career ladder process. Amends TCA Title 49, Chapter 5, Part 50 through 56. by *Davidson. (*SB2188 by *Womack)

On motion, House Bill No. 2266 was made to conform with **Senate Bill No. 2188**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 2188 be passed on third and final consideration.
On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved that **Senate Bill No. 2188** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1378 -- Public Defenders - Authorizes 17 new assistant public defender positions. Amends TCA Title 8, Chapter 14. by *Purcell, *Hargrove, *Cole (Carter), *Buck, *Rinks, *Chumney, *Fowlkes, *Armstrong, *Jackson, *White, *Bell. (*SB889 by *Crowe, *Atchley, *Gilbert, *Rochelle)

Further consideration of House Bill No. 1378, previously considered on today's Calendar.

On motion, House Bill No. 1378 was made to conform with **Senate Bill No. 889**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 889 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 889 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-14-202(d), is amended by designating the existing language as subsection (1) and adding the following new subsection:

(2) Effective July 1, 1996, it is the declared policy of the general assembly to create all future assistant public defender positions on a formula basis with the primary consideration being the number of assistant public defender positions to population ratios and the secondary consideration being caseload per judicial district. The district public defenders conference and the judicial council are directed to make all future recommendations on this basis with the ultimate objective being to achieve the ratio of one (1) full-time assistant public defender per twenty-six thousand six hundred seventy-five (26,675) population within the judicial district according to the 1990 federal census or any subsequent federal census.

SECTION 2. Nothing in this act shall be construed as creating any new assistant public defender positions unless specific funding is provided in the general appropriations act.

SECTION 3. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved that **Senate Bill No. 889**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 97 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

PERSONAL ORDERS

Representatives Ridgeway and McDaniel were recognized in the Well to introduce the Representatives not seeking re-election next year for comments.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

***House Bill No. 2374** -- Education - Authorizes pilot alternative school program for K-12 in three systems of 7,000 or less, one in each grand division to determine most effective methods; appropriates \$25,000 each. Amends TCA Title 49, Chapter 6. by *Davidson. (SB2563 by *Womack, *Harper)

On motion, House Bill No. 2374 was made to conform with **Senate Bill No. 2563**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 2563 be passed on third and final consideration.

Rep. Buck moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2563 by adding the following language as a new, appropriately designated section:

SECTION ____ Tennessee Code Annotated, Title 49, Chapter 6, Part 30, is amended by adding the following language as a new, appropriately designated section:

Section ____ Notwithstanding any other provision of law to the contrary, children who attend the 4-H congress during the school year may be granted excused absences for the day or days missed from school while attending the 4-H congress. Such an approved absence shall be granted if the parent or guardian of such child gives the principal of the school in which the child is enrolled ten (10) days notice prior to the absence for attendance of the 4-H congress. When such absences are approved, such children shall be credited as present.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved that **Senate Bill No. 2563**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 94 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

House Bill No. 2144 -- Sunset Laws - Department of correction, June 30, 2004. Amends TCA Title 4, Chapters 3 and 29. by *Kernell, *Garrett, *Brooks. (*SB2029 by *Haynes)

Rep. Kernell moved that House Bill No. 2144 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2144 by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-220(a), is amended by adding a new item thereto, as follows:

() Department of correction, created by Section 4-3-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2144**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

House Bill No. 2139 -- Sunset Laws - Terminates comprehensive health insurance pool, board of directors, June 30, 1996. Amends TCA Title 4, Chapter 29 and Title 56, Chapter 7. by *Kernell, *Garrett, *Brooks. (*SB2022 by *Haynes)

On motion, House Bill No. 2139 was made to conform with **Senate Bill No. 2022**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 2022** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J.,

DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

House Bill No. 2537 -- Boards and Commissions - Creates Tennessee Commission on Holocaust Education; appropriates funds. by *Kisber. (*SB2790 by *Cohen, *Henry)

On motion, House Bill No. 2537 was made to conform with **Senate Bill No. 2790**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2790 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2790** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 94 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2501 -- Custody and Support - Creates presumption that shared parental responsibility is in best interests of minor child; establishes procedure for awarding

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custody. Amends TCA Section 36-6-101. by *Patton, *Ford S, *Bowers, *Sharp, *Pinion. (*SB2580 by *Crowe)

Rep. Patton requested that House Bill No. 2501 be moved to the heel of the Calendar.

House Bill No. 3118 -- Welfare - Requires every applicant and worker employed by a child welfare agency to submit a criminal history background record to department of human services; person shall not remain in employment of agency if prior felony conviction. Amends TCA Title 71. by *Langster, *DeBerry L, *Pruitt, *Jones U (Shelby). (*SB2719 by *Kyle, *Harper)

On motion, House Bill No. 3118 was made to conform with **Senate Bill No. 2719**; the Senate Bill was substituted for the House Bill.

Rep. Langster moved that Senate Bill No. 2719 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2719 by deleting Section 1 in its entirety and by substituting instead the following new Section 1:

SECTION 1. Tennessee Code Annotated, Section 71-3-504(a), is amended by adding the following new subdivision (4):

(4) Notwithstanding any provisions of Tennessee Code Annotated, Title 13, Chapter 7, to the contrary, upon adoption of a resolution by a two-thirds (2/3) vote of the county legislative body, any zoning authority, in determining the suitability of a request for any use of property for the establishment or alteration of any child welfare agency, may consider the criminal background of the person or persons making a request to such board or may consider the criminal background of any person or persons who will manage or operate such child welfare agency. The zoning authority shall be responsible for all costs associated with obtaining such criminal background information.

On motion, Amendment No. 1 was adopted.

Rep. Langster moved that **Senate Bill No. 2719**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 96.

A motion to reconsider was tabled.

House Bill No. 2876 -- Interstate Compacts - Authorizes Chickasaw Trail Economic Development Compact. by *Walley, *Naifeh. (*SB2754 by *Wilder)

On motion, House Bill No. 2876 was made to conform with **Senate Bill No. 2754**; the Senate Bill was substituted for the House Bill.

Rep. Walley moved that Senate Bill No. 2754 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2754 by deleting from Section 1, Article III the fourth sentence in its entirety and substituting instead the following:

The members of the authority shall serve without compensation or reimbursement of expenses.

AND FURTHER AMEND by deleting from Section 1, Article IV the second sentence in its entirety and substituting instead the following:

His/her term of office shall be at the pleasure of the Authority.

AND FURTHER AMEND by deleting from Section 1, Article V in its entirety.

AND FURTHER AMEND by deleting from Section 1, Article VII in its entirety and substituting instead the following:

This compact shall continue in force and remain binding upon each party state until the Legislature or Governor of each or either state takes action to withdraw therefrom; provided that such withdrawal shall not become effective until six (6) months after the date of the action taken.

Notice of such action shall be given by the Secretary of State of the party state which takes such action.

AND FURTHER AMEND by adding before the severability clause the following new section and renumbering the subsequent sections accordingly:

Section ____ . The State of Tennessee shall expend no funds to implement the provisions of the Chickasaw Trail Economic Development Compact until the State of Mississippi has obligated itself to expend an equal amount of funds.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2754 by adding before the severability section the following new sections and renumbering the subsequent sections accordingly:

SECTION 3. (a) The Tennessee Industrial Development Authority is hereby established and is a corporate governmental agency and instrumentality of the state of Tennessee. The authority's membership and governing body shall consist of the commissioner of economic and community development, the treasurer, and the comptroller. The commissioner shall serve as chair.

(b) For administrative purposes, the authority shall be attached to the department of economic and community development.

SECTION 4. As used in this act, unless the context requires otherwise:

"Project" has the same meaning as used in §7-53-101(11). Provided, however, any proposed project shall be a joint project that lies within the state of Tennessee and any one (1) of the eight (8) adjoining states.

SECTION 5. The authority has the following powers, together with all powers incidental thereto or necessary for the performance of its duties:

(1) Have succession by its corporate name, unless sooner dissolved;

(2) Sue and be sued and prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(3) Have and use a corporate seal and alter the same at pleasure;

(4) Acquire, whether by purchase, exchange, gift, lease, or otherwise, and improve, maintain, equip and furnish one (1) or more projects, including all real and personal properties which the authority may deem necessary in connection therewith and regardless of whether or not any such projects shall then be in existence;

(5) Lease to others one (1) or more projects and charge and collect rent therefor and terminate any such lease upon the failure of the lessee to comply with any of the obligations of such lease; and include in any such lease, if desired, a provision that the lessee thereof shall have options to purchase any or all of its projects or that upon payment of all of the indebtedness of the corporation it may lease or convey any or all of its projects to the lessee thereof with or without consideration;

(6) Sell to others one (1) or more projects for such payments and upon such terms and conditions as the authority may deem advisable, in accordance with the provisions of sale contracts entered into pursuant to this act;

(7) Enter into loan agreements with others with respect to one (1) or more projects for such payments and upon such terms and conditions as the authority may deem advisable, in accordance with the provisions of this act;

(8) Sell, exchange, donate and convey any or all of its properties whenever the authority shall find any such action to be in furtherance of the purposes for which the authority was organized;

(9) Issue its bonds, and otherwise borrow money from banks or other financial institutions by issuing its notes for the purpose of carrying out any of its powers;

(10) Borrow money from the state through a loan agreement executed with the state for the purpose of carrying out any of its powers;

(11) As security for the payment of the principal of and interest on any bonds or notes so issued and any agreements made in connection therewith, mortgage and pledge any or all of its projects or any part or parts thereof, whether then owned or thereafter acquired, and pledge the revenues and receipts therefrom or from any thereof, and/or assign and pledge all or any part of its interest in and rights under the leases, sale contracts or loan agreements relating thereto or to any thereof;

(12) Employ and pay compensation to such employees and agents, including attorneys, as the authority shall deem necessary for its business; and

(13) Exercise all powers expressly given by this act and establish bylaws and make all rules and regulations not inconsistent with the provisions of this act, deemed expedient for the management of the authority's affairs.

SECTION 6. (a) The authority may proceed with a project authorized herein and for that purpose may hire an architect or architects, advertise for low bids and award contracts to low bidders, all within the provisions of the general law, expressly including the provisions of Tennessee Code Annotated, Title 4, Chapter 15, and in agreement with the terms of this act. No contract, including a contract for architectural services, involving a project authorized by this shall be entered into unless and until that contract has been approved by the building commission.

(b) The authority, in consultation with the state building commission, shall solicit proposals from parties interested in construction or operation of any project authorized by this act. Such proposals shall include sufficient information to allow the authority to assess the feasibility of such project(s). The authority, in consultation with the state building commission, shall review the proposals to determine whether it is reasonable to expect the project under consideration to generate revenues sufficient to cover the costs of operation and maintenance, including anticipated debt service on bonds authorized herein.

(c) Before approval for full planning, the building commission shall find that it is reasonable to expect the project under consideration will generate revenues over the useful life of the project sufficient to cover the costs of operation and maintenance, including anticipated debt service on the debt authorized hereby. Such finding shall not constitute a guaranty or warranty of such future revenues. It is the legislative intent that any project authorized herein be constructed only after a determination of feasibility by the building commission.

SECTION 7. The issuance of any bonds by the authority shall be done in accordance with §7-53-303 as if the authority were an industrial development corporation.

SECTION 8. The Tennessee Industrial Development Authority, created by Section 3 of this act shall work in full cooperation with the joint agency created in Section 1 and known as Chickasaw Trail Economic Development Authority.

On motion, Amendment No. 2 was adopted.

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Rep. Walley moved that **Senate Bill No. 2754**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 88
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

House Bill No. 2636 -- Taxes, Real Property - Specifies that every trust estate entitled to same exemption as if owned by single taxpayer. Amends TCA Title 67, Chapter 5. by *Stamps, *Kent. (*SB2254 by *McNally)

Rep. Stamps moved that House Bill No. 2636 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2636 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-103 is amended by adding the following new subsection:

(c) With respect to municipalities which fund all or part of the cost of waste disposal by special assessment to the property owner, as authorized in Tennessee Code Annotated, Section 6-2-201(19), the special assessment may be collected in the same manner as municipal real property taxes and the special assessment may be billed on the real property tax notices. Any municipality that exercises the option of the above method of waste disposal by special assessment shall bear all costs of system modifications necessary to prepare property tax notices.

Section 2 . This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Stamps moved that **House Bill No. 2636**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2927 -- Adoption - Repeals contact veto provisions of 1995 law; revives pre-1995 law. Amends and repeal various provisions of TCA Title 36 and Title 37. Repeals various provisions of TCA Title 36 and Title 37. by *Chumney. (*SB3099 by *Fowler, *Henry)

Rep. Chumney requested that House Bill No. 2927 be moved to the heel of the Calendar.

***House Bill No. 2388** -- Environment and Conservation, Department of - Requires department to acquire Dale Hollow Lake and surrounding property if federal government attempts to sell such property - to direct the department of conservation to acquire certain property. by *Windle.

Rep. Windle requested that House Bill No. 2388 be moved to the heel of the Calendar.

House Bill No. 2479 -- Drug and Alcohol Rehabilitation - Creates Job Survival Skills Training Program as pilot project in department of health, alcohol and drug abuse services, to be administered through certain not-for-profit community-based, licensed residential and outpatient treatment facility in Shelby County; subject to appropriation. by *Bowers, *DeBerry J, *Turner (Shelby), *Kernell, *Jones R (Shelby), *Towns, *Miller L, *Jones U

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(Shelby), *DeBerry L, *Kent, *Joyce, *Pruitt, *Armstrong. (*SB2452 by *Dixon, *Cohen, *Person, *Dixon, *Cooper, *Ford J)

On motion, House Bill No. 2479 was made to conform with **Senate Bill No. 2452**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 2452 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Bragg moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2452 by deleting from Section 1(b) the words and punctuation "through a not-for-profit community-based, licensed residential and outpatient treatment facility" and by substituting instead the following:
through one (1) not-for-profit community-based, halfway house

AND FURTHER AMEND by deleting from Section 1(b) the words and punctuation "which has been established specifically to treat alcoholics and other chemically dependent individuals." and by substituting instead the following:
which have been established specifically to assist alcoholics and other chemically dependent individuals who have previously completed detoxification treatment.

AND FURTHER AMEND by deleting from Section 1(c) the words "clients treated at such facility" and by substituting instead the following:
clients of the halfway houses

AND FURTHER AMEND by deleting from Section 1(d) the words "at the treatment facility" wherever such words sequentially appear and by substituting instead the following:

at the halfway houses

AND FURTHER AMEND by deleting from Section 1(d) the words "the facility" and by substituting instead the following:
the halfway houses

AND FURTHER AMEND by deleting from Section 1(e) the words "the facility" wherever such words sequentially appear and by substituting instead the following:
the halfway houses

On motion, Amendment No. 2 was adopted.

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Rep. Bowers moved that **Senate Bill No. 2452**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 93 |
| Noes | 0 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Coffey -- 1.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

NOTICE TO ACT ON SENATE MESSAGES

Rep. Purcell moved that the House act on the Messages received from the Senate, which motion prevailed.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 869. The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 869 --** County Officers - Makes temporary citizen commission of government officials compensation permanent; removes February 1, 1995 deadline for filing of commission's report and recommendations to general assembly. Amends TCA Title 5, Chapter 6; Titles 8, 18; Title 54, Chapter 7; Title 67, Chapter 1, Part 5. by *Haun, *Wallace, *Crowe. (HB1352 by *Kisber)

**CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 869**

The House and Senate Conference Committee appointed pursuant to the motions to resolve the differences between the two houses on Senate Bill No. 869 (House Bill No. 1352) has met and recommends that all of the amendments be deleted.

The Committee further recommends that all the text after the exacting clause be deleted and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-1-508(a) is amended by deleting the existing language and by substituting instead the following language:

(a) The assessor of property of each county or metropolitan government shall receive as compensation an annual salary as established by Section 8-24-102.

SECTION 2. Tennessee Code Annotated, Section 5-6-105, is amended by deleting the existing language in subsection (b)(1) and substituting instead the following:

(b)(1) The county executive shall receive for the county executive's services such compensation as established in Section 8-24-102.

SECTION 3. Tennessee Code Annotated, Section 54-7-106, is amended by deleting the first sentence in subsection (a) and by deleting subsection (c) in its entirety.

SECTION 4. Tennessee Code Annotated, Sections 8-24-104, 8-24-112, 8-24-116, 8-24-117 and 8-24-118 are hereby repealed.

SECTION 5. Tennessee Code Annotated, Section 8-24-101, is amended by deleting the language "For the purpose of determining the compensation to be received by the various officers enumerated in Section 8-22-101," and by substituting the following language:

"For purposes other than determining compensation for the various county officers enumerated in Section 8-24-102."

SECTION 6. Tennessee Code Annotated, Section 8-24-102, is amended by deleting the existing language and substituting the following:

(a) For the purposes of determining the compensation to be received by the various county officers, the term "general officers" includes assessors of property, county clerks, clerks and masters of chancery courts, clerks of probate courts, clerks of circuit courts, clerks of general sessions courts, clerks of criminal courts, juvenile court clerks, county trustees, and registers of deeds. The term highway official shall refer to the "chief administrative officer" as defined under the "Tennessee County Uniform Highway Law" as provided in Section 54-7-103.

(b) Beginning July 1, 1996, county officers shall receive compensation per year as follows:

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| County Population | General Officers | Sheriff & Highway Officials | County Executive |
|------------------------|---------------------|--------------------------------|---------------------|
| 400,000 and more | 84,000 | 92,400 | 97,020 |
| 275,000 to 399,999 | 77,500 | 82,250 | 89,513 |
| 250, 000 to 274,999 | 72,000 | 79,200 | 83,160 |
| 225,000 to 249,999 | 69,000 | 75,900 | 79,350 |
| 175,000 to 199,999 | 63,000 | 69,300 | 72,765 |
| 150,000 to 174,999 | 60,000 | 66,000 | 69,300 |
| 125,000 to 149,999 | 57,000 | 62,700 | 65,835 |
| 100,000 to 124,999 | 54,000 | 59,400 | 62,370 |
| 65,000 to 99,999 | 52,500 | 57,750 | 60,638 |
| 50,000 to 64,999 | 50,000 | 55,000 | 57,750 |
| 35,000 to 49,999 | 45,000 | 49,500 | 51,975 |
| 23,000 to 34,999 | 43,000 | 47,300 | 49,665 |
| 12,000 to 22,999 | 39,000 | 42,900 | 45,045 |
| 5,000 to 11,999 | 33,500 | 36,850 | 38,693 |
| less than 5,000 | 31,000 | 34,100 | 35,805 |

(c) For the purpose of phasing in the compensation schedule provided in subsection (b), no county official shall receive more than a seven percent (7%) increase in any fiscal year. If the compensation schedule any subsequent increases provide for an increase of more than seven percent (7%) in any fiscal year, then the remaining increase shall be carried over to subsequent years until the compensation provided for is obtained.

(d) The population of counties for purposes of this section shall be determined by the 1990 federal census or the most recent succeeding federal census or a special census as provided in this subsection. A county may not move from one (1) population to another except for a succeeding federal census or a special census. For the purpose of moving from one (1) population classification to another, each county may take not more than three (3) special censuses at its own expense at any time during the interim between the regular decennial federal censuses. The special census shall be taken by the federal census bureau or in a manner directly by and satisfactorily to the commissioner of economic and community development. The population of the county shall thereafter be revised in accordance with the special census, effective July 1 following certification of the census results by the federal census bureau or the commissioner of economic and community development to the secretary of state and the comptroller of the treasury.

(e) On July 1, 1997, and each July 1 thereafter, the compensation for county officials as provided by this section, shall be increased by a dollar amount equal to the average annualized general increase in state employee's compensation during the fiscal year multiplied by the compensation established herein for the county officials of the county with the median population of all counties; provided, however, in no year shall such compensation increase by more than seven percent (7%). On or before May 1 of each year, the commission of finance and administration shall certify to the comptroller of the treasury the average annualized general increase in state employee's compensation during that fiscal year.

(f) Sheriffs in counties having a combination workhouse and jail provided for in title 41, chapter 2, may be paid an additional amount for ex officio services as superintendent of the workhouse by the legislative bodies of their respective counties.

(g) The county executive's compensations shall be at least five percent (5%) higher than the maximum salary payable to any other county constitutional office of the respective counties. The minimum salary set out above shall apply only to a county executive who devotes full time to the county executive's office. The salary of a county executive who devotes less than full time to the county executive's office shall be determined by resolution of the county legislative body prior to the election of such official. For purposes of this subsection, "county official" does not include the judge of general sessions court.

(h) The state share of the cost pursuant to Article II, Section 24 of the Constitution of Tennessee for any increased expenditure required by a county by

the provisions of this act shall be provided from the unallocated tax revenue of state-shared taxes enumerated in Tennessee Code Annotated, Section 9-6-301.

(l) The compensation of the chief administrative officer of the county highway department established by subsections (b) and (c) herein shall be a minimum level of compensation. The county legislative body of each county may increase or decrease the compensations of the chief administrative officer of the county highway department so long as the compensations is maintained at or above the minimum level established herein.

SECTION 7. Tennessee Code Annotated, Section 8-27-207, is amended by adding the following as a new section:

() County officials shall be allowed to participate in any plan established by the local government insurance committee even if the county does not participate. The cost of such participation shall be determined by the committee and the official may be required to bear the full cost of such participation.

SECTION 8. This act shall take effect upon becoming a law, public welfare requiring it.

| | |
|-------------------------|-----------------------------------|
| Senator Tommy Haun | Representative Matthew Kisber |
| Senator Gene Elsea | Representative Larry Huskey |
| Senator Pete Springer | Representative Joe Kent |
| Senator Robert Rochelle | Representative Michael McDonald |
| Senator Tommy Burks | Representative Randy Rinks |
| Senator Bud Gilbert | Representative Keith Westmoreland |
| Senator David Fowler | Representative Tommy Head |

Rep. Kisber moved that the report of the Conference Committee on **Senate Bill No. 869** be adopted and made the action of the House.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Kisber moved that the report of the Conference Committee on **Senate Bill No. 869** be adopted and made the action of the House, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 85 |
| Noes | 7 |
| Present and not voting..... | 3 |

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bowers, Bragg, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie,

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Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Beavers, Buck, Coffey, Jones, S., Odom, Patton, Windle -- 7.

Representatives present and not voting were: Bell, Brooks, Kernell -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 1352 and have this statement entered in the Journal: Rep(s). Chumney.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2568; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2568 -- Bond Issues - Issues \$18.3 million in bonds to fund technology centers. by *Bragg, *Cole (Dyer), *West, *Kisber, *Phillips, *Cantrell, *Boyer, *Ridgeway, *Winningham, *Fitzhugh, *Pinion, *Lewis, *McDonald, *Eckles, *Davidson, *Fowlkes, *Naifeh, *McKee, *Davis, *Williams (Williamson), *Stulce, *Brooks, *White, *Patton, *Kerr, *McDaniel, *McMillan. (*SB2885 by *Womack, *Henry)

Senate Amendment No. 1

AMEND House Bill No. 2568 by deleting the words and figures "eighteen million three hundred thousand dollars (\$18,300,000)" and by substituting the words and figures "twenty-two million eight hundred thousand dollars (\$22,800,000)" in Section 1 of the printed bill.

AND FURTHER AMEND by deleting Section 4 of the printed bill in its entirety and substituting the following"

Section 4. The proceeds of any and all issues of bonds herein authorized shall be allocated as follows:

(1) eighteen million three hundred thousand dollars (\$18,300,000) to the state board of regents to be allocated and

expended for the purpose of funding equipment and other improvements at technology centers; and

(2) four million five hundred thousand dollars (\$4,500,000) to the department of finance and administration for improvements to the bicentennial mall.

AND FURTHER AMEND by adding the following language to Section 7 of the printed bill:

Notwithstanding provisions above to the contrary, the funding board may provide that a bond anticipation note or any renewal of such note issued pursuant to the provisions of this act may mature more than five (5) years from the date of issue of the original note; provided, that an amortization schedule for repayment of principal is established for the project funded by the note and provisions are made such that any note or renewal note or bond refunding such note attributed to the financing of such project shall be redeemed or retired either twenty-five (25) years from the date of issue of such original note or twenty (20) years from the date the project is completed and placed in full service, whichever is earlier.

Rep. Bragg moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2568**, which motion prevailed by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2859. The Senate refused to recede from its action in adopting Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2859 -- Education, State Board of - Authorizes development of rules requiring schools to have communications systems and emergency procedures. Amends TCA Section 49-1-302. by *Fowlkes, *Windle, *Winningham, *McKee, *Callicott, *Stulce, *Williams (Williamson), *Brown, *Rhinehart, *Jones U (Shelby), *Purcell, *Chumney, *Jones, S. (*SB2114 by *Cooper, *Leatherwood, *Springer)

Senate Amendment No. 1

AMEND House Bill No. 2859 by deleting Sections 1 and 2 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-302, is amended by adding to subsection (a) the following as a new, appropriately designated subdivision:

(a)(___) Develop and recommend to local boards of education training or notification procedures for use of two-way communications systems in those local education agencies which choose to place such systems in new and renovated schools.

SECTION 2. The joint special committee on education oversight is requested to study the complete issue of school security including two-way communications, classroom security, and other necessary and feasible methods or devices for assuring the safety of students, teachers, and other school workers. The committee is requested to take testimony from and secure information from persons knowledgeable on or concerned with this situation, and to report its findings and recommendations to the 100th General Assembly by February 1, 1997.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2859**, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Givens, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable,

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Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2575; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2575 -- Sexual Offenses - Defines "mass murder" as murder of two persons within period of 48 months. Amends TCA Title 39, Chapter 13; Title 39, Chapter 15, Part 3; Title 40, Chapter 28 and Title 40, Chapter 35. by *Jackson, *Herron, *Beavers, *Bird, *Sharp, *Turner (Hamilton), *Kisber, *White, *Dunn, *Fitzhugh, *Williams (Williamson). (*SB2672 by *Rochelle)

Senate Amendment No. 2

AMEND House Bill No. 2575 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as new sections:

Section 39-13-524. (a) In addition to the punishment authorized by the specific statute prohibiting the conduct, any person who, on or after July 1, 1996, commits a violation of Tennessee Code Annotated, Section 39-13-522, 39-13-502, 39-13-503, 39-13-504, or attempts to commit a violation of any such section, shall receive a sentence of community supervision for life.

(b) The judgment of conviction for all persons to whom the provisions of subsection (a) apply shall include that such person is sentenced to community supervision for life.

(c) The sentence of community supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon such person by the court or upon such person's release from regular parole supervision, whichever first occurs.

(d)(1) A person on community supervision shall be under the jurisdiction, supervision and control of the board of paroles in the same manner as a person under parole

supervision. The board is authorized on an individual basis to establish such conditions of community supervision as are necessary to protect the public from such person committing a new sex offense as well as promoting the rehabilitation of the person.

(2) The board is authorized to impose and enforce a supervision and rehabilitation fee upon a person on community supervision similar to the fee imposed by Tennessee Code Annotated, Section 40-28-201. To the extent possible the board shall set such fee in an amount that will substantially defray the cost of the community supervision program. The board shall also establish a fee waiver procedure for hardship cases and indigency.

Section 39-13-525. (a) After a person sentenced to community supervision pursuant to Tennessee Code Annotated, Section 39-13-524, has been on such supervision for a period of fifteen (15) years, such person may petition the sentencing court for release from community supervision.

(b) Upon receiving such a petition, the court shall, at least thirty (30) days prior to a hearing on the petition, cause the office of the district attorney responsible for prosecuting the person to be notified of the person's petition for release from supervision. Upon being notified, the district attorney general shall conduct a criminal history check on such person to determine if he or she has been convicted of a criminal offense during the period of community supervision. The district attorney general shall report the results of such criminal history check to the court together with any other comments the district attorney general may have concerning the person's petition for release. The district attorney general may also appear and testify at the hearing in lieu of or in addition to submitting written comments.

(c) Between the date the petition is filed with the court and the date established by the court for a hearing on the petition, if the person is entitled to a hearing, the person shall be examined and evaluated by a psychiatrist or licensed psychologist with health service designation approved by the board. The cost of such examination and evaluation shall be the sole responsibility of the person petitioning for release from supervision. No hearing on such petition may be conducted until such person has been examined and evaluated in accordance with this subsection.

(d)(1) If the report of the district attorney general indicates that the petitioner has been convicted of a criminal offense while under community supervision, the court shall deny the petition without conducting a hearing.

(2) If the report of the district attorney general indicates that the petitioner has not been convicted of a criminal offense while under community supervision, the court shall conduct a hearing on the petition. At the hearing, the court shall call such witnesses, including the examining psychiatrist or licensed psychologist with health service designation or the prosecuting district attorney general, as the court deems necessary to reach an informed and just decision on whether the petitioner should be released from community supervision. The petitioner may offer such witnesses and other proof at the hearing as is relevant to the petition.

(3) If a petition for release from supervision is denied by the court, such person may not file another such petition for a period of three (3) years.

Section 39-13-526. (a) It is an offense for a person to knowingly violate a condition of community supervision imposed upon such person pursuant to Tennessee Code Annotated, Section 39-13-524.

(b) Violation of a condition of community supervision is a Class E felony and each violation shall constitute a separate offense.

(c) If the violation of community supervision involves the commission of a new offense, the sentence for a violation of this section shall be served consecutive to any sentence received for commission of the new offense.

SECTION 2. Tennessee Code Annotated, Section 40-28-104, is amended by adding the following new appropriately numbered item to subsection (a):

() To establish conditions of supervision for and supervise sex offenders sentenced to community supervision for life pursuant to Tennessee Code Annotated, Section 39-13-524;

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect on July 1, 1996, the public welfare requiring it and shall apply to all persons committing applicable sex offenses on or after such date.

This amendment would rewrite the printed bill and would require that sex offenders be sentenced to community supervision for life. Such sentence shall begin immediately upon expiration of such person's term of imprisonment or upon such person's release from parole supervision, whichever occurs first. The

conditions of such supervision shall be established on an individual basis to insure that such person does not commit new sex offense. The amendment also authorizes the board to assess a supervision and enforcement fee to be paid by such offender. After such offender has been under such supervision for a period of fifteen (15) years, such person may ask the court to be released from supervision. This amendment sets out procedures for such release and would require examination by a psychiatrist or licensed psychologist prior to such release. If the release petition is denied, such person may not reapply for release for a period of three (3) years. Violation of a condition of community supervision is a Class E felony. Each violation shall constitute a separate offense. The act would take effect July 1, 1996.

Senate Amendment No. 1 to Amendment No. 2

AMEND Senate Amendment No. 2 by deleting subsection (b) of Section 39-13-526 of the amendatory language of SECTION 1 of Senate Judiciary Committee Amendment No. 1 and substituting instead the following:

(b)(1) If the conduct that is a violation of a condition of community supervision does not constitute a criminal offense, such violation is a Class A misdemeanor.

(2) If the conduct that is a violation of a condition of community supervision also constitutes a criminal offense that is classified as a misdemeanor, such violation is a Class A misdemeanor.

(3) If the conduct that is a violation of a condition of community supervision also constitutes a criminal offense that is classified as a felony, such violation is a Class E felony.

(4) Each violation of a condition of community supervision constitutes a separate offense.

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 2, as amended, to **House Bill No. 2575**, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley,

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West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2429; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2429** -- Highway Signs - "Ralph Masters Memorial Bridge," I-181. by *Whitson. (SB2747 by *Haun)

Senate Amendment No. 1

AMEND House Bill No. 2429 by deleting the designation "Edith Pate Rice Bridge" from Section 1(c)(1) and by substituting instead the designation "Phillip Rice Bridge".

AND FURTHER AMEND Section 1 by adding the following language as a new subsection (d):

(d) The fourth bridge on I-181 north from the Unicoi Road Exit is hereby designated as "Dallas Harris Bridge".

Rep. Whitson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2429**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2776; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2776 -- Law Enforcement - Reduces number of months of full-time service by police officer in calendar year required for eligibility for police pay supplement from eight to seven months. Amends TCA Title 38. by *Purcell, *Jones, S., *Williams (Williamson), *Langster. (*SB2721 by *Kyle)

Senate Amendment No. 2

AMEND House Bill No. 2776 by deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following new section:

Section 38-8-114. The commission shall encourage the use of community policing by establishing six (6) pilot programs for communities across the state. The commission shall establish two (2) pilot programs in each of the three (3) grand divisions with a reasonable distribution between urban and rural areas. The commission may provide a grant of not more than ten thousand dollars (\$10,000) for a community policing pilot program to a community that submits a proposal to the commission. To qualify for the grant funds, a community shall satisfy the criteria for participation established by the commission.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2776**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 94 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee,

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McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2136** -- Judges and Chancellors - Requires state court judge or chancellor to certify sickness or disability so that special judge may be appointed. Amends TCA Section 17-2-116. by *Person. (HB3174 by *Purcell, *Hargrove, *Chumney)

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 2136**

Pursuant to **Rule No. 73**, Representative Purcell moved that the Speaker Appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill 2136, which motion prevailed.

Speaker Pro Tempore DeBerry appointed Representatives Purcell, McMillan, and Westmoreland as the House members of the Conference Committee on Senate Bill No. 2136.

**MESSAGE FROM THE SENATE
April 25, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2445; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2445** -- Sexual Offenses - Increases amounts of various surcharges that convicted sex offenders are required to pay to clerks of court Amends TCA Title 39, Chapter 17, Part 7. by *Ritchie, *Williams (Union). (SB2731 by *Kyle)

Rep. Ritchie requested that House Bill No. 2445 be moved down 1 place on the Calendar.

**MESSAGE FROM THE SENATE
April 25, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2667. The Senate refused to recede from its action in adopting Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2667 -- Economic and Community Development, Dept. of - Requires director of office of business enterprise to serve as member of each committee or other entity formally or informally attached to department for purposes of developing or recommending state policy to enhance economic and community development. Amends TCA Title 4, Chapter 3, Part 7. by *Brooks, *Armstrong, *Brown, *Turner (Shelby), *Jones R (Shelby), *Bowers, *Pruitt, *DeBerry L, *Miller L, *Jones U (Shelby), *Cantrell, *Langster, *Beavers. (*SB2327 by *Dixon, *Harper)

Rep. Brooks moved that the House refuse to recede from its action in nonconcurring in Senate Amendments 1 to **House Bill No. 2667**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL 2667**

Pursuant to **Rule No. 73**, Representative Brooks moved that the Speaker appoint a Committee of the House to meet with a like committee of the Senate to resolve the differences between the two bodies on House Bill 2667, which motion prevailed.

Speaker Pro Tempore DeBerry appointed Representatives Brooks, Kerr, and Jones, R. (Shelby) as the House members of the Conference Committee on House Bill 2667.

**MESSAGE FROM THE SENATE
April 25, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2667. The Speaker appointed a conference Committee composed of Senators Dixon, Rice and McNally to confer with a like committee from the House to resolve the differences of the two bodies on House Bill No. 2667.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2445** -- Sexual Offenses - Increases amounts of various surcharges that convicted sex offenders are required to pay to clerks of court Amends TCA Title 39, Chapter 17, Part 7. by *Ritchie, *Williams (Union). (SB2731 by *Kyle)

Senate Amendment No. 1

AMEND House Bill No. 2445 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-703, is amended by deleting the section in its entirety and substituting instead the following:

Section 39-13-703. As used in this part, unless the context otherwise requires:

(1) "Board" means the sex offender treatment board created in Section 39-13-704;

(2) "Sex offender" means any person who is convicted in the state, on or after January 1, 1996, of any sex offense, or if such person has been convicted in another state of an offense that would constitute a sex offense in this state, and who is subject to parole or probation supervision by the Tennessee department of correction pursuant to an interstate compact.

(3) "Sex offense" means any felony or misdemeanor offense described as follows:

(A) Rape of a child, as defined in Section 39-13-522;

(B) Aggravated rape, as defined in Section 39-13-502;

(C) Rape, as defined in Section 39-13-503;

(D) Aggravated sexual battery, as defined in Section 39-13-504;

(E) Sexual battery, as defined in Section 39-13-505;

(F) Statutory rape, as defined in Section 39-13-506;

(G) Incest, as defined in Section 39-15-302;

(H) Criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in this subsection; or

(I) Criminal responsibility for the facilitation of a felony when the specific felony facilitated is any of the offenses specified in this subsection; and

(4) "Treatment" means therapy and supervision of any sex offender which conforms to the standards created by the board pursuant to Section 39-13-704.

SECTION 2. Tennessee Code Annotated, Section 39-13-704(a), is amended by deleting the language "twelve (12) members" and substituting instead the language "thirteen (13) members".

SECTION 3. Tennessee Code Annotated, Section 39-13-704(a), is further amended by deleting subsections (9) and (10) and by adding the following new subdivisions:

(9) One (1) member appointed by the commissioner of correction who is representative of law enforcement;

(10) Two (2) members appointed by the commissioner of correction who are recognized experts in the field of sex abuse and who can represent sex abuse victims and victims' rights organizations; and

(11) One (1) member appointed by the presiding officer of the sex offender treatment board who is a representative of the board of paroles.

SECTION 4. Tennessee Code Annotated, Section 39-13-704(d), is amended in subdivisions (2) and (3) by deleting the language "sex offender surcharge fund" wherever it appears and by substituting instead the language "sex offender treatment fund".

SECTION 5. Tennessee Code Annotated, Section 39-13-705, is amended by deleting the section in its entirety and by substituting instead the following:

Section 39-13-705. (a) On or after January 1, 1996, each sex offender shall be required to submit to an evaluation for risk to victims or potential victims, identification, amenability to treatment, and behavior management under the procedures developed pursuant to Section 39-13-704(d)(1).

(b) Those offenders found guilty at trial or who pled guilty without an agreement as to length of sentence and/or probation and/or alternative sentencing that are to have a pre-sentence report prepared for submission to the court shall be required to submit to the evaluation referred to in subsection (a). Such evaluation shall be included as part of the pre-sentence report and shall be considered by the court in determining the sentencing issues herein stated. If the court grants probation or alternative sentencing, any plan of treatment recommended by such evaluation shall be a condition of the probation or alternative sentencing. Those offenders, that, as part of a negotiated settlement of their case, are to be placed on probation or alternative sentencing shall be required to submit to the evaluation referred to in

subsection (a) as a condition of their probation or alternative sentencing and any plan of treatment recommended by such evaluation shall be a condition of probation or alternative sentencing.

(c) The evaluation and identification required by subsection (a) shall be at the expense of the offender evaluated based upon such person's ability to pay. The plan of treatment and behavior management shall be at the expense of the offender based upon such person's ability to pay

SECTION 6. Tennessee Code Annotated, Section 39-13-709, is amended by deleting the section in its entirety and substituting instead the following:

Section 39-13-709. (a) For purposes of this section, unless the context otherwise requires, "convicted" and "conviction" means an adjudication of guilt of a sex offense as defined in this part as hereinbelow described:

(1) Plea of guilty, including a plea of guilty entered pursuant to Section 40-35-313;

(2) Verdict of guilty by a judge or jury;

(3) Plea of no contest; and

(4) Best interest plea.

(b) For purposes of this section, unless the context otherwise requires, one who enters into a Memorandum of Understanding pursuant to Section 40-15-101 et seq. as to any sex offense as defined in this part shall also be responsible for the taxes hereinbelow specified.

(c) On and after July 1, 1996, each person who is convicted of a sex offense as defined in this part, or who enters a Memorandum of Understanding as to a sex offense as defined by this part, shall pay a tax to the clerk of the court in which the conviction occurs in an amount not to exceed three thousand dollars (\$3,000) as determined by the court for each conviction as defined by this part and each Memorandum of Understanding as to a sex offense as defined by this part.

(d) The clerk of the court shall allocate the tax required by subsection (c) of this section as follows:

(1) Five percent (5%) of the tax paid shall be retained by the clerk for administrative costs incurred pursuant to this subsection.

(2) Ninety-five percent (95%) of the tax paid shall be transferred to the state treasurer who shall credit the same to the sex offender treatment fund created pursuant to subsection (e) of this section.

(e) There is hereby created in the state treasury a sex offender treatment fund which shall consist of moneys received by the state treasurer, pursuant to this part. All interest derived from the deposit and investment of this fund shall be credited to the general fund. Any moneys not appropriated by the general assembly shall remain in the sex offender treatment fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. All monies in the fund shall be subject to annual appropriation by the general assembly to the judicial branch, the department of correction, and the department of human services after consideration of the plan developed pursuant to Section 39-13-704(d)(3) to cover the direct and indirect costs associated with the evaluation, identification, and treatment and the continued monitoring of sex offenders.

(f) The court may waive all or any portion of the tax required by this section if the court finds that a person convicted of a sex offense is indigent or financially unable to pay.

(g) For the purposes of collecting any unpaid balance of the tax imposed by this part, the Tennessee department of correction shall deduct from the trust fund account of any sex offender who is in custody of the department of correction those monies necessary to satisfy the unpaid tax.

SECTION 7 . If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. For the purpose of making the required board appointments, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1996, the public welfare requiring it.

Rep. Ritchie moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2445**, which motion prevailed.

Senate Amendment No. 2

AMEND House Bill No. 2445 by adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 4-29-219(a), is amended by adding a new item thereto, as follows:

() Sex offender treatment board, created by Section 39-13-704;

Rep. Ritchie moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2445**, which motion prevailed by the following vote:

Ayes..... 88
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

House Bill No. 2829 -- Motor Vehicles, Titling and Registration - Authorizes design and issuance of special license plates for members of certain fraternities and sororities. Amends TCA Title 55, Chapter 4, Part 2. by *Armstrong, *Brown, *DeBerry L. (*SB2499 by *Dixon, *Harper)

Speaker Naifeh requested that House Bill No. 2829 be moved to the heel of the Calendar.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s).
4. The Senate nonconcurred in House Amendment No. 8.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGE

***Senate Joint Resolution No. 4 --** Constitutional Amendments - Removes constitutional prohibition on lotteries. by *Cohen.

Rep. Kernell requested that Senate Joint Resolution No. 4 be moved down 2 places on the Calendar.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2942. The Senate concurred in House Amendment No. 2 and nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MOTION TO RECONSIDER

Rep Stamps moved to lift from the table the motion to reconsider Senate Bill No. 2942, which motion prevailed.

***Senate Bill No. 2942 --** Consumer Protection - Regulates certain telephone solicitations. Amends TCA Title 47, Chapter 18. by *Fowler. (HB2879 by *Stamps, *Ritchie)

Rep. Stamps moved to reconsider action in passing Senate Bill No. 2942, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion Amendment No. 1 was withdrawn.

Rep. Stamps moved that Senate Bill No. 2942 be passed on third and final consideration.

Rep. Stamps moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2942 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new section, to be appropriately designated:

Section ____.

(a) As used in this section:

(1) "Telephonic sales call" means a call made by a telephone solicitor to a consumer, for the purpose of soliciting a sale of any consumer goods or services, or for the purpose of soliciting an extension of credit for consumer goods or services, or for the purpose of obtaining information that will or may be used by the solicitor or a third party for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes or in connection with prizes, gifts or awards presentations;

(2) "Unsolicited telephonic sales call" means a telephonic sales call other than a call made:

(A) in response to an express request of the person called; or

(B) primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call; or

(C) to any person with whom the telephone solicitor has a prior or existing business relationship;

(3) "Telephone solicitor" means any natural person, firm, organization, partnership, association or corporation, or a subsidiary or affiliate thereof, doing business in this state, who makes or causes to be made a telephonic sales call, including, but not limited to, calls made by use of automated dialing or recorded message devices;

(4) "Consumer" means an actual or prospective purchaser, lessee or recipient of consumer goods or services; and

(5) "Division" means the division of consumer affairs of the department of commerce and insurance.

(b) No telephone solicitor shall make or cause to be made any unsolicited telephonic sales call to any residential, mobile or telephonic paging device telephone number unless such person or entity has instituted procedures for maintaining a list of persons who do not wish to receive telephone solicitations made by or on behalf of that person or entity, in compliance with 47 CFR 64 or 16 CFR 310.

(c) The division shall investigate any complaints received concerning violations of this section pursuant to § 47-18-106. The civil penalty shall not exceed one thousand dollars (\$1000) per violation. This civil penalty may be recovered in any action brought under this part by the division, or the division may terminate any investigation or action upon agreement by the person to pay a stipulated civil penalty. The division or the court may waive any civil penalty if the person has previously made full restitution or reimbursement or has paid actual damages to the consumers who have been injured by the violation. It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented reasonable practices and procedures to effectively prevent telephone solicitations in violation of the regulations in this section.

SECTION 2. This act shall take effect January 1, 1997, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Stamps moved that **Senate Bill No. 2942**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes | 88 |
| Noes | 1 |
| Present and not voting..... | 3 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Herron -- 1.

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Representatives present and not voting were: Jones, R (Shelby), Kernell, Turner(Shelby) -- 3.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 444. The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGE

Senate Joint Resolution No. 444 -- General Assembly, Adjournment, Recess - Adjourns 99th General Assembly sine die on Wednesday, April 24, 1996. by *Burks, *Crutchfield, *Atchley.

Rep. Purcell requested that Senate Joint Resolution No. 444 be moved to the heel of the Calendar.

NOTICE TO ACT ON SENATE MESSAGE

***Senate Joint Resolution No. 4** -- Constitutional Amendments - Removes constitutional prohibition on lotteries. by *Cohen.

Further consideration of Senate Joint Resolution No. 4, previously considered on today's Calendar.

Rep. Kernell moved that the House refuse to recede from its action in adopting Amendment No. 8, which motion prevailed.

MOTION TO RECONSIDER

Rep. Walley moved to lift from the table the motion to reconsider Senate Bill No. 2754, which motion prevailed.

***Senate Bill No. 2754** -- Interstate Compacts - Authorizes Chickasaw Trail Economic Development Compact. by *Wilder. (HB2876 by *Walley, *Naifeh)

Rep. Walley moved to reconsider action in passing Senate Bill No. 2754, which motion prevailed.

On motion the House reconsidered its action in adopting Amendment No(s). 1 and 2. On motion, Amendment No(s). 1 and 2 were withdrawn.

Rep. Walley moved that Senate Bill No. 2754 be passed on third and final consideration.

Rep. Walley moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2754 by deleting all the language of Senate Amendments No. 2 and No 3 and by adding before the severability section the following new sections and renumbering the subsequent sections accordingly:

SECTION 3. (a) The Tennessee Industrial Development Authority is hereby established and is a corporate governmental agency and instrumentality of the state of Tennessee. The authority's membership and governing body shall consist of the commissioner of economic and community development, the treasurer, and the comptroller. The commissioner shall serve as chair.

(b) For administrative purposes, the authority shall be attached to the department of economic and community development.

SECTION 4. As used in this act, unless the context requires otherwise:

"Project" has the same meaning as used in §7-53-101(11). Provided, however, any proposed project shall be a joint project that lies within the state of Tennessee and any one (1) of the eight (8) adjoining states.

SECTION 5. The authority has the following powers, together with all powers incidental thereto or necessary for the performance of its duties:

(1) Have succession by its corporate name, unless sooner dissolved;

(2) Sue and be sued and prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(3) Have and use a corporate seal and alter the same at pleasure;

(4) Acquire, whether by purchase, exchange, gift, lease, or otherwise, and improve, maintain, equip and furnish one (1) or more projects, including all real and personal properties which the authority may deem necessary in connection therewith and regardless of whether or not any such projects shall then be in existence;

(5) Lease to others one (1) or more projects and charge and collect rent therefor and terminate any such lease upon the failure of the lessee to comply with any of the obligations of such lease; and include in any such lease, if desired, a provision that the lessee

thereof shall have options to purchase any or all of its projects or that upon payment of all of the indebtedness of the corporation it may lease or convey any or all of its projects to the lessee thereof with or without consideration;

(6) Sell to others one (1) or more projects for such payments and upon such terms and conditions as the authority may deem advisable, in accordance with the provisions of sale contracts entered into pursuant to this act;

(7) Enter into loan agreements with others with respect to one (1) or more projects for such payments and upon such terms and conditions as the authority may deem advisable, in accordance with the provisions of this act;

(8) Sell, exchange, donate and convey any or all of its properties whenever the authority shall find any such action to be in furtherance of the purposes for which the authority was organized;

(9) Issue its bonds, and otherwise borrow money from banks or other financial institutions by issuing its notes for the purpose of carrying out any of its powers;

(10) Borrow money from the state through a loan agreement executed with the state for the purpose of carrying out any of its powers;

(11) As security for the payment of the principal of and interest on any bonds or notes so issued and any agreements made in connection therewith, mortgage and pledge any or all of its projects or any part or parts thereof, whether then owned or thereafter acquired, and pledge the revenues and receipts therefrom or from any thereof, and/or assign and pledge all or any part of its interest in and rights under the leases, sale contracts or loan agreements relating thereto or to any thereof;

(12) Employ and pay compensation to such employees and agents, including attorneys, as the authority shall deem necessary for its business; and

(13) Exercise all powers expressly given by this act and establish bylaws and make all rules and regulations not inconsistent with the provisions of this act, deemed expedient for the management of the authority's affairs.

SECTION 6. (a) The authority may proceed with a project authorized herein and for that purpose may hire an architect or architects, advertise for low bids and award contracts to low bidders, all within the provisions of the general law, expressly including the provisions of Tennessee Code

Annotated, Title 4, Chapter 15, and in agreement with the terms of this act. No contract, including a contract for architectural services, involving a project authorized by this shall be entered into unless and until that contract has been approved by the building commission.

(b) The authority, in consultation with the state building commission, shall solicit proposals from parties interested in construction or operation of any project authorized by this act. Such proposals shall include sufficient information to allow the authority to assess the feasibility of such project(s). The authority, in consultation with the state building commission, shall review the proposals to determine whether it is reasonable to expect the project under consideration to generate revenues sufficient to cover the costs of operation and maintenance, including anticipated debt service on bonds authorized herein.

(c) Before approval for full planning, the building commission shall find that it is reasonable to expect the project under consideration will generate revenues over the useful life of the project sufficient to cover the costs of operation and maintenance, including anticipated debt service on the debt authorized hereby. Such finding shall not constitute a guaranty or warranty of such future revenues. It is the legislative intent that any project authorized herein be constructed only after a determination of feasibility by the building commission.

SECTION 7. The issuance of any bonds by the authority shall be done in accordance with §7-53-303 as if the authority were an industrial development corporation.

SECTION 8. The Tennessee Industrial Development Authority, created by Section 3 of this act shall work in full cooperation with the joint agency created in Section 1 and known as Chickasaw Trail Economic Development Authority.

On motion, Amendment No. 3 was adopted.

Rep. Walley moved that **Senate Bill No. 2754**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 95 |
| Noes | 0 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach,

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Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2829. The Senate refused to recede from its action in adopting Amendment No. 5.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGES

House Bill No. 2829 -- Motor Vehicles, Titling and Registration - Authorizes design and issuance of special license plates for members of certain fraternities and sororities. Amends TCA Title 55, Chapter 4, Part 2. by *Armstrong, *Brown, *DeBerry L. (*SB2499 by *Dixon, *Harper)

Rep. Armstrong moved that the House refuse to recede from its action in adopting Amendment No. 5 to **House Bill No. 2829**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 2829**

Pursuant to **Rule No. 73**, Representative Armstrong moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 2829, which motion prevailed.

The Speaker appointed Representatives Armstrong, Burchett, and Jones, U (Shelby) as the House members of the Conference Committee on House Bill No. 2829.

MOTION TO RECONSIDER

Rep. Hargrove moved to lift from the table the motion to reconsider House Bill No. 3323, which motion prevailed.

House Bill No. 3323 -- Putnam County - Subject to local approval, establishes small claims court. by *Hargrove. (SB3307 by *Burks)

Rep. Hargrove moved to reconsider action in passing House Bill No. 3323, which motion prevailed.

On motion, House Bill No. 3323 was made to conform with **Senate Bill No. 3307**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 3307 be passed on third and final consideration.

Rep. Hargrove moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 3307 by deleting SECTION 13 in its entirety and substituting instead the following new SECTION 13:

SECTION 13.

(a) The plaintiff, or the clerk of the court at the request of the plaintiff, shall prepare the civil warrant. The plaintiff shall be responsible for sending notice to all defendants by registered or certified mail, return receipt requested. Such notice shall be mailed by the plaintiff within three (3) business days of the filing of the warrant. The plaintiff must show proof of notification at the hearing.

(b) The clerk shall cooperate with the parties in answering any questions they may have concerning the small claims procedure. The clerk shall not, however, give any legal advice nor express any opinion concerning the merits or probable outcome of the action.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **Senate Bill No. 3307** as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2617; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2617 -- Claims Commission, Tennessee - Creates fourth division by dividing eastern division into mid-eastern and eastern divisions; creates new claims commissioner position for mid-eastern division. Amends TCA Title 9, Chapter 8, Part 3, and Title 9, Chapter 8, Part 4. by *Haun.

MOTION TO RECONSIDER

Further consideration of House Bill No. 2268, previously considered on today's Calendar.

Rep. Ritchie moved to lift from the table the motion to reconsider House Bill No. 2268, which motion prevailed.

***House Bill No. 2268** -- Claims Commission, Tennessee - Creates fourth division by dividing eastern division into mid-eastern and eastern divisions; creates new claims commissioner position for mid-eastern division. Amends TCA Title 9, Chapter 8, Part 3, and Title 9, Chapter 8, Part 4. by *Ritchie. (SB2617 by *Haun)

Rep. Ritchie moved to reconsider action in passing House Bill No. 2268, which motion prevailed.

On motion, House Bill No. 2268 was made to conform with **Senate Bill No. 2617**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 2617, be passed on third and final consideration.

Rep. Ritchie requested that Senate Bill No. 2617 be moved down 5 places on the Calendar.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1107; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1107 -- Custody and Support - Requires noncustodial parent to obtain permission of custodial parent prior to exposing minor child to nude beach or nudist colony; if custody is awarded to both parents, both must agree prior to exposing child to such experiences. Amends TCA Title 36, Chapter 6. by *Tindell, *Ritchie, *Burchett. (*SB1417 by *Gilbert)

Senate Amendment No. 2

AMEND House Bill No. 1107 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. No person who has been granted visitation rights to a child shall, during the child's minority, expose the child to any facility organized or operated as a nudist colony without the consent of the custodial parent. Any court of competent jurisdiction shall have the ability to enforce these provisions and enjoin violations of this section through the full extent of the court's civil and criminal contempt powers.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Tindell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1107**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 91 |
| Noes | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Callicott -- 1.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Tindell, **House Bill No. 2637** was recalled from the Finance, Ways & Means Committee and withdrawn from the House.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2484; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2484 -- Insurance, Health, Accident - Enacts "Bone Mass Measurement Coverage Act of 1996.". by *Bowers, *Jones U (Shelby), *Jones, S., *Brooks, *Miller L, *Pruitt, *Brown, *Jones R (Shelby), *DeBerry J, *Armstrong, *Tindell. (*SB2833 by *Harper)

Senate Amendment No. 2

AMEND House Bill No. 2484 as amended, in Section 4(a) by deleting the language "shall also provide coverage" and by substituting instead the language "may also provide coverage".

Rep. Bowers moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2484**, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2712; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2712 -- Education - Establishes requirements for LEA, unlicensed employee or volunteer to assist in self-administration of medication by students and/or to carry out delegated health care activity for students. Amends TCA Title 49, Chapter 5. by *Turner (Hamilton). (*SB2908 by *Crutchfield)

Senate Amendment No. 2

AMEND House Bill No. 2712 by deleting all the language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following as a new, appropriately designated section:

Section 49-5-____. (a) Notwithstanding the provisions of any law, policy, or guideline to the contrary, a local board of education or a governing board for a non-public school may permit an employee or a person under contract to the board to assist in self-administration of medications, under the following conditions:

- (1) The student must be competent to self-administer non-prescription or prescription medication with assistance;
 - (2) The student's condition, for which the medication is authorized and/or prescribed, must be stable;
 - (3) The self-administration of the medication must be properly documented;
 - (4) Guidelines, not inconsistent with this section, for the assistance in self-administration of non-prescription and/or prescription medications by personnel in the school setting, developed by the department of health and the department of education and approved by the board of nursing, must be followed; and
 - (5) The student's parent or guardian must give permission in writing for school personnel to assist with self-administration of medications. Such written permission shall be kept in the student's school records.
 - (6) Assistance with self-administration shall primarily include storage and timely distribution of medication.
- (b) Health care procedures including administration of medications to students during the school day or at related events shall be performed by appropriately licensed health care professionals in accordance with applicable guidelines of their respective regulatory

boards and in conformity with policies and rules of local boards of education or governing boards of non-public schools. The student's parent or guardian must give permission in writing for appropriately licensed health care professionals to perform health care procedures and administer medications. Such written permission shall be kept in the student's school records.

(c) Any person assisting in self-administration of medication or performing health care procedures including administration of medications under this section and any local board of education or governing board for a non-public school authorizing the same shall not be liable in any court of law for injury resulting from the reasonable and prudent assistance in the self-administration of such medication or the reasonable performance of the health care procedures including administration of medications, if performed pursuant to the policies and guidelines developed by the department of health and the department of education and approved by applicable regulatory and/or governing boards or agencies.

SECTION 2. The department of education and the department of health shall jointly compile an annual report of self-administered medications and health care procedures including administration of medications as provided for in this part, to students served in all public and non-public accredited schools in the state. This report shall be provided to the governor and the general assembly by October 31 of each year and shall include recommendations for meeting the needs for comprehensive school health.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Turner(Hamilton) moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2712**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2992 -- Sunset Laws - Tennessee neighborhood development corporation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by *Kernell, *Garrett, *Brooks. (*SB2965 by *Haynes)

Rep. Kernell moved that House Bill No 2992 be re-referred to the Government Operations Committee, which motion prevailed.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2381; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2381 -- Firearms and Ammunition - Revises procedures for obtaining firearms permit Amends TCA Title 39, Chapter 17, Part 13. by *Hargrove, *Bittle, *Boyer, *Peach, *McDaniel, *Williams (Union), *Stamps, *Ramsey, *Davis, *Newton, *Beavers, *McAfee, *Robinson, *Lewis, *Givens, *Winningham, *Buck, *Rinks, *Pinion, *Phelan, *Walley, *White, *Rigsby, *Fitzhugh, *Westmoreland, *Venable, *Roach, *West, *Haley, *Shirley, *Dunn, *Burchett, *Callicott, *Jackson, *Duer, *Ford S, *Sharp. (*SB2320 by *Haun, *Wallace)

Senate Amendment No. 1

AMEND House Bill No. 2381 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1315, is amended by deleting such section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding Sections 3 through 12 of this act as new sections thereto.

SECTION 3. (a) Any resident of Tennessee who has reached the age of majority may apply to the department of safety for a handgun carry permit. If the applicant is not prohibited from purchasing or possessing a firearm in this state pursuant to Tennessee Code Annotated, Section 39-17-1316, 39-17-1307(b), 18 U.S.C. 922(g) or any other state or federal law and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

(b) The application for a permit shall be on a standard form developed by the department of safety and shall require the applicant to disclose, under oath, only the following information concerning the applicant:

- (1) full legal name and any aliases;
- (2) addresses for the last five (5) years;
- (3) date of birth;
- (4) social security number;
- (5) physical description (height, weight, race, sex, hair color and eye color;
- (6) whether the applicant has been convicted of a criminal offense punishable for a term exceeding one (1) year;
- (7) whether the applicant is currently under indictment or information for any criminal charge punishable for a term exceeding one (1) year;
- (8) whether the applicant is currently subject to any order of protection and, if so, the applicant shall provide a copy of such order;
- (9) whether the applicant is a fugitive from justice;
- (10) whether the applicant is addicted or has been addicted to alcohol, drugs, or controlled substances;
- (11) whether the applicant has ever been hospitalized because of mental illness or alcohol or drug problems; and
- (12) whether the applicant has ever been adjudicated mentally ill and/or had a conservator appointed by a court for his or her benefit.

(c) In addition to the information required under subsection (b), the department shall be required to take fingerprints of the applicant for the purpose of conducting a Tennessee Bureau of Investigation and Federal Bureau of Investigation criminal history record check. The department shall also be required to photograph the applicant in a manner that is suitable for use on the permit.

(d) The department shall also require an applicant to submit proof of a department approved handgun safety and training course. Such course shall include both classroom training and firing range training.

(e) The department shall make applications for permits available for distribution at any location where the department conducts driver license examinations.

(f) Upon receipt of an application, the department shall notify the chief law enforcement officer of the applicant's county of residence that the applicant has requested a permit. The chief law enforcement officer shall conduct a background investigation regarding the applicant. The background investigation shall be limited to those matters which this section requires the applicant to disclose and whether the applicant has failed to disclose specific facts which are required to be disclosed by Section 3(b)(1) through Section 3(b)(9) of this act. The chief law enforcement officer shall also submit a report to the department containing any readily discoverable information that such officer feels may be pertinent to the applicant regarding those matters enumerated in Section 3(b)(10) through Section 3(b)(12) of this act. The chief law enforcement officer shall file such reports with the department within fifteen (15) days after the date such officer receives a copy of the application.

(g) The department shall deny a permit application if the department determines that the applicant:

(1) Has been convicted of a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense;

(2) Is currently under indictment or information for any criminal charge punishable for a term exceeding one (1) year;

(3) Is currently subject to an order of protection the provisions of which prohibit such applicant from carrying or possessing a firearm;

(4) Is a fugitive from justice;

(5) Is addicted or has been addicted within five (5) years from the date of the application to alcohol, drugs, or controlled substances;

(6) Has been hospitalized because of mental illness or alcohol or drug problems within five (5) years from the date of the application;

(7) Has been adjudicated mentally ill and/or had a conservator appointed by a court for his or her benefit within five (5) years from the date of the application.

(8) Has not accurately disclosed any material information required to be disclosed by the applicant;

(9) Fails to meet the requirements of this section; or

(10) Because of mental illness, alcohol or drug problems, or physical infirmity, poses a material likelihood of risk of harm to the public.

(h) The following shall not be grounds for the department to deny a permit application:

(1) The existence of any arrest or other records for any indictment, charge or warrant which has been judicially or administratively expunged;

(2) A conviction that has been set aside by a court of competent jurisdiction because of the applicant's innocence;

(3) A conviction for which the applicant's civil rights have been restored pursuant to Title 40, Chapter 29, unless the conviction was for a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense;

(4) A conviction for any offense not included in subsection (g)(1) of this section if it has been more than five (5) years since the applicant successfully completed any sentence imposed, any period of probation or parole and paid all restitution ordered for such offense;

or

(i) If the department denies an application, the department shall notify the applicant in writing within ten (10) days of such denial. The written notice shall state the specific factual basis for the denial. It shall include a copy of any reports, records and/or inquiries reviewed or relied upon by the department.

(j) The department shall issue a permit to an applicant not otherwise prohibited from obtaining a permit under this section no later than thirty (30) days after the results of the fingerprint criminal history checks required in subsection (c) of this section and the sheriff's report required in subsection (g) of this section are both received by the department.

(k) A permit holder shall not be required to complete a handgun training course to maintain or renew a handgun carry permit. No permit holder shall be required to complete any additional handgun safety course after obtaining a handgun carry permit.

(l) A permit issued pursuant to this section shall be good for four (4) years and shall entitle the permit holder to carry any handgun(s) which the permit holder legally owns or possesses.

(m) The permit shall be issued on a wallet-sized laminated card of the same approximate size used by the state of Tennessee for driver licenses and shall contain only the following information concerning the permit holder:

(1) The permit holder's name, address, date of birth and social security number;

(2) A description of the permit holder by sex, height, weight and eye color;

(3) A color photograph of the permit holder; and

(4) The permit number and expiration date.

(n) The department shall charge an application and processing fee of one hundred dollars (\$100). Such fee shall cover all aspects of processing the application and issuing a permit.

(o) Substantial compliance with the requirements of this section shall provide the department and any political subdivision thereof with immunity from civil liability alleging liability for issuance of the permit.

(p) Prior to the expiration of a permit, a permit holder may apply to the department for the renewal of a permit by submitting, under oath, a renewal application with a renewal fee of fifty dollars (\$50.00). The renewal application shall be on a standard form developed by the department of safety and shall require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (b) and shall require the applicant to certify that such applicant still satisfies all the requirements of this section for the issuance of a permit. In the event the permit expires prior to the department's approval or issuance of notice of denial regarding such renewal application, the permit holder shall be entitled to continue to use the expired permit, provided that the permit holder shall also be required to prove by displaying a receipt for the renewal application expiration date of the permit.

SECTION 4. (a) The department is hereby authorized to suspend or revoke a handgun permit upon a showing by its records or other sufficient evidence that the permittee:

(1) Has not accurately disclosed any material information required by Section 3 of this act;

(2) Poses a material likelihood of risk of harm to the public;

(3) Has been arrested for a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense;

(4) Has been convicted of a felony; or

(5) Has violated any other provision of this act.

(b) Upon the suspension or revocation of a permit, the permittee must surrender such permit to the department.

(c)(1) The department, upon suspending or revoking a permit, shall require that such permit be surrendered to and be retained by the department. Prior to the reissuance of a suspended permit, the department may require the permittee to submit evidence that the permittee has completed a program of alcohol or drug abuse education, or has completed treatment by a physician, board certified or eligible in psychiatry, or a licensed psychologist certified with competence in clinical psychology; or at a facility licensed by the department of mental health and mental retardation to provide such treatment. Certification of the psychiatrist or clinical psychologist or facility licensed by the department of mental health and mental retardation under this section is not to be construed as a prediction of future behavior but merely certification of completion of the program. The department may not require a permittee to submit such evidence unless such evidence is relevant to the grounds for the suspension or revocation of such permit.

(2) When such examination, as required by this subsection, is administered by a state supported mental health facility, such facility and medical doctors or doctors of psychology employed by such facility who administer such examinations within the course and scope of such doctor's authority under the statute, shall be immune from tort liability for the proper dissemination of any report or findings to the department of safety which results from such examination; provided, that this immunity shall not extend to any other person, institution, or other member of the private sector, not employed or attached to a state supported mental health facility.

(d) The applicant shall have a right to request an administrative hearing pursuant to Title 4, Chapter 5, or to bring a mandamus action to challenge such suspension or revocation of a permit.

SECTION 5. (a) Any person who has received a notice of suspension or revocation may make a written request for a review of the department's determination by the department at a hearing. The request shall be made on a form available from the department. If the person's permit has not been previously surrendered, it must be surrendered at the time the request for a hearing is made. A request for a hearing does not stay the permit suspension or revocation.

(b) Within thirty (30) days from the date the request for a hearing is filed, the department shall establish a hearing date and set the case on a docket. Nothing in this section shall be construed as requiring the hearing to be conducted within such thirty (30) day period. The hearing shall be held at

a place designated by the department. The department shall provide written notice of the time and place of the hearing to the party requesting the hearing at least ten (10) days prior to the scheduled hearing, unless the party agrees to waive this requirement.

(c) The presiding hearing officer shall be the commissioner or an authorized representative designated by the commissioner. The presiding hearing officer shall have the authority to:

- (1) Administer oaths and affirmations;
- (2) Examine witnesses and take testimony;
- (3) Receive relevant evidence;
- (4) Issue subpoenas, take depositions, or cause depositions to interrogatories to be taken;
- (5) Regulate the course and conduct of the hearing; and
- (6) Make a final ruling on the issue.

(d) The sole issue at the hearing shall be whether by a preponderance of the evidence the person has violated any provision of this act. If the presiding hearing officer finds the affirmative of this issue, the suspension or revocation order shall be sustained. If the presiding hearing officer finds the negative of this issue, the suspension or revocation order shall be rescinded.

(e) The hearing shall be recorded. The decision of the presiding hearing officer shall be rendered in writing, and a copy will be provided to the person who requested the hearing.

(f) If the person who requested the hearing fails to appear without just cause, the right to a hearing shall be waived, and the department's earlier determination shall be final.

(g) Witnesses under subpoena shall be entitled to the same fees as are now or may hereafter be provided for witnesses in civil actions in the circuit court and, unless otherwise provided by law or by action of the agency, the party requesting the subpoenas shall bear the cost of paying fees to the witnesses subpoenaed.

SECTION 6. (a) Within thirty (30) days of the issuance of the final determination of the department following a hearing under Section 5 of this act, a person aggrieved by the determination shall have the right to file a petition in the chancery court of the county of the person's residence for judicial review. The filing of a petition for judicial review shall not stay the revocation order.

(b) The review shall be on the record, without taking additional testimony. If the court finds that the department exceeded its constitutional or statutory authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is unsupported by the evidence in the record, the court may reverse the department's determination.

SECTION 7. The Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, applies to the extent it is consistent with the proceedings under Sections 5 and 6 of this act relating to administrative hearing and judicial review.

SECTION 8. The department shall issue a duplicate permit to a permit holder upon the payment by the permit holder of a fee of five dollars (\$5.00).

SECTION 9. Within sixty (60) days of any change in a permit holder's principal place of residence, the permit holder shall notify the department in writing of such permit holder's new address.

SECTION 10. (a) All permits issued on or after October 1, 1994, pursuant to the former provisions of Tennessee Code Annotated, Section 39-17-1315, shall continue to be valid under this act. At the request of a permit holder, new permit cards shall be issued subject to the applicant meeting the renewal provisions of this act. All such permits shall expire four (4) years from the date of issuance unless revoked or suspended pursuant to the provisions of this act.

(b)(1) Except as provided in subdivision (2), the sheriff and/or chief law enforcement officer of each county shall retain until January 1, 2001, all applications and files related to the approval or denial of any application submitted from October 1, 1994, to the effective date of this act. Such applications and files shall be destroyed after January 1, 2001.

(2) The sheriff and/or chief law enforcement officer may retain applications and files related to the approval or denial of any application submitted from October 1, 1994 to the effective date of this act if such applications and files are relevant to any pending litigation. After such pending litigation is concluded, such applications and files shall be destroyed.

(c) A violation of this act is a Class B misdemeanor punishable only by a fine not to exceed five hundred dollars (\$500).

(d) Any party aggrieved under the terms of this act by the denial, suspension and/or revocation of a permit, or otherwise, may file a writ of mandamus, as provided by law. Such action shall also allow the recovery of any actual damages sustained by the party. The aggrieved party, if prevailing in action, shall also be entitled to recover those costs and attorney's fees reasonably incurred or relating to such action.

(e) Nothing contained in this section shall be construed to alter, reduce or eliminate any personal civil or criminal liability that an applicant may have for the intentional or negligent use of a firearm.

SECTION 11. An individual, corporation, business entity or local, state or federal government entity or agent thereof is authorized to prohibit possession of weapons by any person otherwise authorized by this subsection, at meetings conducted by, or on premises owned, operated, managed or under control of such individual, corporation, business entity or government entity. Notice of such prohibition shall be posted or announced.

SECTION 12. The department of safety is authorized to promulgate rules and regulations pursuant to Title 4, Chapter 5, to implement the provisions of this act.

SECTION 13. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect October 1, 1996, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND Senate Amendment No. 1 by deleting from the third sentence of subsection (f) of the amendatory language of SECTION 3 of Senate Judiciary Committee Amendment 1 the language "be limited to" and substituting instead the language "include".

Senate Amendment No. 2 to Senate Amendment No. 1

AMEND Senate Amendment No. 1 by deleting subsection (g)(10) of the amendatory language of SECTION 3 of Senate Judiciary Committee Amendment 1 and substituting instead the following:

(10) Because of mental illness, alcohol or drug problems, physical infirmity, or based on verifiable evidence contained in the report from the sheriff, poses a material likelihood of risk of harm to the public.

Senate Amendment No. 2

AMEND House Bill No. 2381 by adding the following to subsection (e) of the amendatory language of SECTION 10 as amended by Senate Judiciary Committee Amendment 1:

Attached to the application and any renewal shall be a bond for the use and benefit of anyone injured by the negligent or intentional act of the permit holder on a form and insurance company approved by the department of commerce and insurance in the amount of fifty thousand dollars (\$50,000) which would become effective upon the issuance of the permit

and may not be canceled without the consent of the commissioner of safety during the term of the permit or any renewal of the permit.

Senate Amendment No. 1 to Senate Amendment No. 2

AMEND Senate Amendment No. 2 by adding the following to the end of the language added by Senate Judiciary Committee Amendment 2:

Provided, however, no applicant for a permit or permittee renewing a permit shall be required to purchase more than one (1) bond during the term of the permit or any renewal of the permit regardless of the number of handguns such applicant or permittee owns.

Senate Amendment No. 2 to Senate Amendment No. 2

AMEND Senate Amendment No. 2 by adding the following sentence at the end of the final sentence in existing Amdt. #2:

However the requirement for this bond shall not apply if the permit holder has proof of liability insurance with a minimum of \$50,000 limits

Senate Amendment No. 3

AMEND House Bill No. 2381 by deleting from the second sentence of subsection (c)(1) of the amendatory language of SECTION 4 as amended by Senate Judiciary Committee Amendment 1 the language ", board certified or eligible in psychiatry,".

Senate Amendment No. 10

AMEND House Bill No. 2381 Add to the amendatory language of Senate Amdt #2 the following sentences:

The permit holder shall notify the Department of Safety immediately upon cancellation of the bond or liability policy required by this section. The permit holder shall then have twenty one (21) days to procure a substitute bond or liability policy in order to avoid the penalties imposed by this act.

Senate Amendment No. 11

AMEND House Bill No. 2381 as amended by Senate Judiciary Amendment No. 2, as amended, by adding the following to the end of subsection (e) of the amendatory language of Section 10:

Said liability insurance shall be against negligent injury and shall be a nonrenewable four (4) year policy which cannot be canceled.

Rep. Hargrove moved that the House nonconcur in Senate Amendment(s) No(s). 1, as amended, 2, as amended, 3, 10 and 11 to House Bill No. 2381, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2617 -- Claims Commission, Tennessee - Creates fourth division by dividing eastern division into mid-eastern and eastern divisions; creates new claims commissioner position for mid-eastern division. Amends TCA Title 9, Chapter 8, Part 3, and Title 9, Chapter 8, Part 4. by *Haun. (*HB2268 by *Ritchie)

Further consideration of Senate Bill No. 2617, previously considered on today's Calendar, at which time the House reconsidered its action in passing the bill and substituted the Senate Bill for the House Bill.

Rep. Ritchie moved that Senate Bill No. 2617 be passed on third and final consideration.

Rep. Bragg moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2617 by deleting the amendatory and directory language of the bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 8, Part 3, is amended by adding a new section as follows:

(a) Whenever litigation in any grand division shall become backlogged or delay in the disposition of litigation becomes imminent for any reason, the commission may, by unanimous vote, request the governor to authorize the use of administrative law judges to assist in the removal of such backlog or delay. The request shall be accompanied with a certification of all cases upon the docket of the applicable grand division for which the commission is requesting assistance. The certification shall state for each case the names of the parties involved and the docket number assigned thereto. Upon an affirmative finding by the governor that the presiding commissioner of the applicable grand division is unable to dispose of such pending cases within a reasonable time without causing delays in the other cases, the governor may authorize the use of an administrative law judge and shall certify such request to the Secretary of State. Upon receipt of such certification, the Secretary of State is authorized, subject to budgetary constraints, to make available administrative law judges to assist the applicable claims commissioner in resolving cases which are a part of the certification. The Secretary of State is authorized to charge against the claims award fund the cost of providing this service. An administrative law judge so assigned must meet the qualifications set forth for claims commissioners in § 9-8-302(c); provided, however, the administrative law judge need not reside in the grand division in which the alleged wrongful act occurred or in which the claimant lives.

(b) Upon assignment, the administrative law judge may hear cases as certified by the Governor. Upon hearing of a matter, the administrative law judge shall draft a recommended order, including findings of fact and law, and submit such to the applicable claims commissioner for his approval or modification. The administrative law judges shall have all the powers of a claims commissioner in conducting hearings, provided the administrative law judge shall not be authorized to issue orders.

(c) (1) The use of administrative law judges hereunder shall be for a term of one (1) year, provided that their use may be extended by the governor on a year by year basis upon an annual affirmative finding by the governor that more time is necessary for the administrative law judges to complete the assignment. Their use shall terminate upon the earlier of any of the following events:

(A) the governor determines, in the governor's sole discretion, that the commissioner of the applicable grand division is able to dispose of the remaining pending cases without causing delays in other cases. Termination under this condition shall not affect any case in which an administrative law judge has scheduled or held a hearing or

(B) the Secretary of State notifies the Governor and the commissioner of the applicable grand division that hearings have been conducted and recommendations prepared on all cases assigned. Immediately upon providing such notice, the use of administrative law judges shall cease.

SECTION 2. Tennessee Code Annotated, Section 9-8-302(c), is amended by designating the existing language as subdivision (1) and by adding the following at the end thereof as subdivision (2):

(2) In addition to the requirements of subdivision (c)(1), when a vacancy occurs on the commission by reason of death, resignation, expiration of term or other cause, the vacancy shall be filled by a person whose legal practice and experience includes the areas of workers' compensation, tort or governmental law. Consideration shall also be given to other desirable qualities such as integrity, intelligence, and a positive temperament. The provisions of this subdivision shall not apply to any individual serving as a claims commissioner on the effective date of this act or to administrative law judges assigned to hear cases pursuant to Section 1 of this act.

SECTION 3. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect

other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon passage, the public welfare requiring it and Section 1 of this act shall cease to be effective on June 30, 2001. For purposes of assigning administrative law judges, this act shall be effective July 1, 1996.

On motion, Amendment No. 3 was adopted.

Rep. Ritchie moved that **Senate Bill No. 2617** as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 93 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 3134 -- Highway Signs - Removes restriction on placing tourist oriented directional signs (TODS) on scenic highways; eliminates conflict in law regarding TODS on scenic highways. Amends TCA Title 54, Chapter 518 of the Public Acts of 1995, and Chapter 530 of the Public Acts of 1995. by *Kerr, *Callicott, *Jones R (Shelby), *Westmoreland, *Gunnels. (*SB2830 by *Koella, *Haun)

Rep. Purcell requested that House Bill No. 3134 be moved to the heel of the Calendar.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

***House Bill No. 2054** -- Adoption - Makes administrative and technical changes to adoption law enacted in 1995 thought necessary by department of human services. Amends TCA Title 36 and Title 37. by *McMillan. (SB2737 by *Holcomb)

On motion, House Bill No. 2054 was made to conform with **Senate Bill No. 2737**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2737 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 3.

Rep. McMillan moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2737 in Section 42 of the printed bill by deleting the language "for the child or CASA".

On motion, Amendment No. 4 was adopted.

Rep. McMillan moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 2737 by adding the following as a new section to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Section 36-1-108(d)(2), is amended by adding the following language to the end of the subdivision:

No employee of the department shall make any recommendation regarding or comment upon any information concerning such attorney, licensed child-placing agency or licensed clinical social worker.

AND FURTHER AMEND by adding the following as a new section to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Section 36-1-120, is amended by adding the following new subsection (c) and by redesignating the subsequent subsections accordingly:

(c) The court shall review the affidavits required in subsection (b) and shall determine whether all fees set forth therein are reasonable. The court shall retroactively approve such fees or order reimbursement of any fees it determines to be unreasonable.

On motion, Amendment No. 5 was adopted.

Rep. McMillan moved that **Senate Bill No. 2737**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 89 |
| Noes | 1 |
| Present and not voting..... | 4 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Peach -- 1.

Representatives present and not voting were: Bowers, Brooks, Miller, Towns -- 4.

A motion to reconsider was tabled.

House Bill No. 2359 -- Human Rights - Expands membership and duties of human rights commission. Amends TCA Title 4, Chapter 21, Part 2 and Title 4, Chapter 29, Part 2. by *Brown, *Brooks, *Bowers, *Pruitt. (*SB2385 by *Crutchfield)

On motion, House Bill No. 2359 was made to conform with **Senate Bill No. 2385**; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that Senate Bill No. 2385 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Brown moved that **Senate Bill No. 2385**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

House Bill No. 2783 -- Bond Issues - Authorizes bond issue of up to \$14 million by department of environment and conservation for acquisition and development at Henry Horton and Pickwick state parks. by *Rinks, *Fowlkes, *Williams (Williamson), *Beavers, *Walley. (*SB2753 by *Wilder)

On motion, House Bill No. 2783 was made to conform with **Senate Bill No. 2753**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that **Senate Bill No. 2753** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
 Noes 1
 Present and not voting..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

Representatives voting no were: Coffey -- 1.

Representatives present and not voting were: Ritchie -- 1.

A motion to reconsider was tabled.

House Bill No. 2524 -- Teachers - Increases, from 86 to 136, maximum number of scholarship recipients who may participate, at any one time, in minority teaching fellows program. Amends TCA Section 49-4-706. by *Jones U (Shelby), *Brown, *Turner (Shelby), *Bowers, *DeBerry J, *DeBerry L, *Jones R (Shelby). (*SB2433 by *Harper, *Ford J, *Dixon, *Womack, *Crutchfield, *Burks)

On motion, House Bill No. 2524 was made to conform with **Senate Bill No. 2433**; the Senate Bill was substituted for the House Bill.

Rep. Jones U (Shelby) moved that Senate Bill No. 2433 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1 as House Amendment No. 2.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 2 as House Amendment No. 3.

Rep. Jones U (Shelby) moved that **Senate Bill No. 2433** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 95 |
| Noes | 0 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

***House Bill No. 2290** -- Welfare - Revises eligibility requirements and other provisions under AFDC program. Amends TCA Title 71. by *Ritchie. (SB2566 by *Wallace)

Rep. Ritchie requested that House Bill No. 2290 be moved down 3 places on the Calendar.

House Bill No. 2425 -- Workers' Compensation - Enacts "Workers' Compensation Reform Act of 1996." Amends and repeals portions of TCA Title 4; Title 38; Title 39; Title 50 and Title 56. by *Kisber, *Ritchie, *Venable, *Armstrong, *Rinks, *Cole (Dyer), *McKee. (*SB2539 by *Gilbert, *Atchley, *Jordan, *Elsea)

On motion, House Bill No. 2425 was made to conform with **Senate Bill No. 2539**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2539 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. Arriola moved the previous question, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 73 |
| Noes | 14 |
| Present and not voting | 2 |

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Union), Winningham, Wood -- 73.

Representatives voting no were: Armstrong, Bell, Bowers, Chumney, DeBerry, J, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Miller, Odom, Stulce, Towns, Turner (Hamilton), Windle -- 14.

Representatives present and not voting were: Kernell, Whitson -- 2.

Rep. Kisber moved that **Senate Bill No. 2539**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 90 |
| Noes | 3 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Bell, Buck, Windle -- 3.

A motion to reconsider was tabled.

House Bill No. 3166 -- Children - Creates department of children's services. - Amends TCA Title 4, Title 7, Title 8, Title 10, Title 16, Title 33, Title 34, Title 36, Title 37, Title 38, Title 39, Title 40, Title 41, Title 49, Title 66, Title 68, and Title 71. by *Walley, *Byrd, *Bittle, *Davis, *Beavers, *Westmoreland, *Phelan. (*SB3176 by *Person, *Elsea, *Atchley, *Jordan, *Ford J, *Gilbert, *Fowler, *Miller J)

On motion, House Bill No. 3166 was made to conform with **Senate Bill No. 3176**; the Senate Bill was substituted for the House Bill.

Rep. Walley moved that Senate Bill No. 3176 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 2.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 3.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 4.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1 as House Amendment No. 5.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as House Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 3176 by deleting Section 4(a) in the original bill, as amended by Amendment No. 1, in its entirety and by substituting instead the following:

(a) "Abuse" exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, or other actions or inactions of a parent, relative, guardian, or caretaker.

AND FURTHER AMEND by deleting the amendatory language after the directory language in Section 77 of the original bill, as amended by Amendment No. 1, and by substituting instead the following:

(a) "Abuse" exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, or other actions or inactions of a parent, relative, guardian, or caretaker.

On motion, Amendment No. 6 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 3 as House Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 3176 by deleting Section 4(d) in the original bill, as amended by Amendment No. 1, in its entirety and by substituting instead the following:

(d) "Child" means:

(1) A person under eighteen (18) years of age; or

(2) A person under nineteen (19) years of age for the limited purpose of:

(A) remaining under the continuing jurisdiction of the juvenile court to enforce a non-custodial order of disposition entered prior to the person's eighteenth (18th) birthday; or

(B) remaining under the jurisdiction of the juvenile court for the purpose of being committed, or completing commitment including completion of home placement supervision, to the department of children's services with such commitment based on an adjudication of delinquency for an

offense that occurred prior to the person's eighteenth (18th) birthday; or

(C) remaining under the jurisdiction of the juvenile court for resolution of delinquent offense(s) committed prior to a person's eighteenth (18th) birthday but considered by the juvenile court after a person's eighteenth (18th) birthday with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court under § 37-1-134.

(3) In no event shall a person eighteen (18) years of age or older be committed to or remain in the custody of the department of children's services by virtue of being adjudicated dependent and neglected, unruly, or in need of services pursuant to § 33-3-203 except as provided in Section 76 of this act.

(4) This provision shall in no way be construed as limiting the court's jurisdiction to transfer a person to criminal court under § 37-1-134.

(5) A person eighteen (18) years of age is legally an adult for all other purposes including, but not limited to, enforcement of the court's orders under this subsection through its contempt power under § 37-1-158.

(6) No exception shall be made for a child who may be emancipated by marriage or otherwise.

AND FURTHER AMEND by deleting the amendatory language after the directory language in Section 76 of the original bill and by substituting instead the following:

37-1-____. (a) The department of children's services may review the status of any person who has reached the age of eighteen (18) who is in the legal custody of the department and whose last commitment is based on an adjudication of dependent and neglected, unruly, or in need of services under § 33-3-203 to determine if the person should remain in the care of the department in order to complete high school or other educational training or for the purpose of receiving other services. The department may continue to provide services to the person who chooses to remain in the care of the department on a voluntary basis, subject to funding availability and budgetary constraints.

(b) The department of children's services may review the status of any person who has reached the age of nineteen (19) who is in the legal custody of the department and whose last commitment is based on an adjudication of delinquency to determine if the person should remain in the care of the department in order to complete high school or other educational

training or for the purpose of receiving other services. The department may continue to provide services to the person who chooses to remain in the care of the department on a voluntary basis, subject to funding availability and budgetary constraints.

AND FURTHER AMEND by deleting the amendatory language after the directory language in Section 78 and by substituting instead the following:

(3) "Adult" means any person eighteen (18) years of age or older;

(4) "Child" means:

(A) A person under eighteen (18) years of age; or

(B) A person under nineteen (19) years of age for the limited purpose of:

(i) remaining under the continuing jurisdiction of the juvenile court to enforce a non-custodial order of disposition entered prior to the person's eighteenth (18th) birthday; or

(ii) remaining under the jurisdiction of the juvenile court for the purpose of being committed, or completing commitment including completion of home placement supervision, to the department of children's services with such commitment based on an adjudication of delinquency for an offense that occurred prior to the person's eighteenth (18th) birthday; or

(iii) remaining under the jurisdiction of the juvenile court for resolution of delinquent offense(s) committed prior to a person's eighteenth (18th) birthday but considered by the juvenile court after a person's eighteenth (18th) birthday with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court under § 37-1-134.

(C) In no event shall a person eighteen (18) years of age or older be committed to or remain in the custody of the department of children's services by virtue of being adjudicated dependent and neglected, unruly, or in need of services pursuant to §33-3-203 except as provided in Section 76 of this act.

(D) This provision shall in no way be construed as limiting the court's jurisdiction to transfer a person to criminal court under § 37-1-134.

(E) A person eighteen (18) years of age is legally an adult for all other purposes including, but not limited to, enforcement of the

court's orders under this subsection through its contempt power under § 37-1-158.

(F) No exception shall be made for a child who may be emancipated by marriage or otherwise.

AND FURTHER AMEND by deleting the amendatory language after the directory language in Section 92 and by substituting instead the following language:

Subject to the restrictions of § 37-1-129 (e), commit the child to the department of children's services, which commitment shall not extend past the child's nineteenth (19th) birthday;

AND FURTHER AMEND by deleting Section 99 of the original bill in its entirety.

On motion, Amendment No. 7 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 4 as House Amendment No. 8 as follows:

Amendment No. 8

AMEND Senate Bill No. 3176 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. (a) There is hereby created a special joint committee of the general assembly composed of five (5) members of the senate general welfare, health and human resources committee to be appointed by the speaker of the senate and five (5) members of the house health and human resources committee to be appointed by the speaker of the house.

(b) The committee shall meet monthly to monitor the implementation of this act, with special emphasis on state employees who may have been transferred or otherwise affected by the consolidation of the various departments, board appointments, and whether the department is accurately and adequately accomplishing its goals in meeting the needs of the children and their families in this state.

(c) The committee is authorized to conduct public hearings and invite state employees, professionals and members of the general public to share information and experiences on the manner in which the implementation of this act has impacted the delivery of services to children and their families in this state.

(d) The committee shall report to the governor and general assembly annually, or more often if necessary.

(e) The children services department, finance and administration and the fiscal review committee shall provide the committee with such financial information as it may require as well as providing the committee with whatever information the committee may from time to time require.

(f) The committee shall regularly perform legislative oversight of the new children services department created by this act until services for children and their families have improved substantially so that such oversight is no longer needed.

On motion, Amendment No. 8 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 5 as House Amendment No. 9 as follows:

Amendment No. 9

AMEND Senate Bill No. 3176 by deleting in its entirety Section 6(a), as amended, and by substituting instead the following language:

(a) Select and recommend to the appropriate state officials the employment or transfer of all personnel required for the operation of the department, except however, the transfer of any employees pursuant to this act or the initial organization of the new department pursuant to this act shall not result in any impairment, interruption, or diminution of employee rights, privileges, salary, benefits, leave accumulation or employment; and further, such transfer of employees pursuant to this act or initial organization of the new department pursuant to this act shall not result in a contract employee supervising a career service employee or conducting a job performance evaluation for a career service employee.

On motion, Amendment No. 9 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 6 as House Amendment No. 10 as follows:

Amendment No. 10

AMEND Senate Bill No. 3176 by deleting in its entirety in Section 149, as amended by amendment No. 1, subsection (c) of item (5) which amends Tennessee Code Annotated, Section 68-2-1105, and by substituting instead the following language:

(c) The membership of each board serving a metropolitan community services agency shall consist of at least twelve (12) members appointed by the governor with at least fifty percent (50%) of the appointments made from recommendations by the county executive; in the event that any municipality within the county has more than sixty percent (60%) of the child population of the county, the governor shall make an equal number of

appointments from recommendations submitted by the county executive and the mayor of the identified municipality.

AND FURTHER AMEND by deleting in its entirety in Section 149, as amended by Amendment No. 1, subdivision (4) of item (7) which amends Tennessee Code Annotated, Section 68-2-1107, and by substituting instead the following language:

(4) Appoint an executive director for each agency with such appointment subject to the approval of the agency board. Nothing in this subdivision shall prohibit a board from submitting recommendations to the commissioner for the appointment of an executive director.

On motion, Amendment No. 10 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 7 as House Amendment No. 11 as follows:

Amendment No. 11

AMEND Senate Bill No. 3176 by deleting in Sections 112, 113, 114, and 115 the words "plan of care" or "plans of care" wherever they appear and by substituting instead the words "permanency plan" or "permanency plans".

On motion, Amendment No. 11 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 8 as House Amendment No. 12 as follows:

Amendment No. 12

AMEND Senate Bill No. 3176 by adding the following language as a new, appropriately designated section:

SECTION ___. Until adjournment sine die of the general assembly convened in 1999, the select committee on children and youth shall continue to perform legislative oversight of services for children and their families as provided in Title 3, Chapter 15, notwithstanding any provision of this act, §3-15-206 or any other law to the contrary. The provisions of this section shall not be construed or implemented in any way to prohibit or restrict appropriate review, inquiry, or oversight of the department of children's services by any other standing, special, or statutory committee of the general assembly.

On motion, Amendment No. 12 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 9 as House Amendment No. 13 as follows:

Amendment No. 13

AMEND Senate Bill No. 3176 by deleting the last sentence in Section 8(a), as amended, and by substituting instead the following language:

The department shall release records to any person or entity who provides system and/or program evaluation at the request of the department. Additionally, the department shall release to the Tennessee Commission on Children and Youth any and all records requested by the Commission which the Commission believes necessary to perform its duties and responsibilities pursuant to §37-3-103, particularly for the purpose of evaluating the delivery of services to children and their families served by the department. Any person or entity, including the Tennessee Commission on Children and Youth, who is provided access to records under this provision shall be required to maintain such records in accordance with state and federal laws and regulations regarding confidentiality.

On motion, Amendment No. 13 was adopted.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 10 as House Amendment No. 14.

Rep. Odom moved adoption of Amendment No. 15 as follows:

Amendment No. 15

AMEND Senate Bill No. 3176 by deleting Section 87 and by substituting instead the following:

SECTION 87. Tennessee Code Annotated, Section 37-1-128(f), is amended by deleting the language of the subsection in its entirety and by substituting instead the following:

(f) Notwithstanding any provision of this act or any other law to the contrary, in order to provide an accurate, comparative measure of new policies, programs and practices implemented pursuant to this act for assessment, placement and case management of children who are in or at imminent risk of state custody, the department of children's services, acting through contract with the community services agency for each county having a metropolitan form of government with a population in excess of five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census, shall continue to utilize in such county the assessment, placement and case management policies, programs and practices in effect in such county on January 1, 1996. The state shall not impair, interrupt or diminish compliance with the requirements of this subsection. This subsection is hereby repealed effective July 1, 1997.

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

On motion, Amendment No. 15 was adopted.

Rep. McAfee moved the previous question, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 77 |
| Noes | 18 |
| Present and not voting | 1 |

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Joyce, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 77.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Chumney, Cross, DeBerry, L., Eckles, Fitzhugh, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Langster, Miller, Ridgeway, Towns, Turner (Shelby) -- 18.

Representatives present and not voting were: Purcell -- 1.

Rep. Walley moved that **Senate Bill No. 3176**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 87 |
| Noes | 3 |
| Present and not voting | 6 |

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Brooks, Brown, Towns -- 3.

Representatives present and not voting were: Armstrong, Bowers, Cross, Jones U (Shelby), Purcell, Williams(Williamson) -- 6.

A motion to reconsider was tabled.

SPEAKER'S INTENT TO APPOINT

The Speaker announced his intent to appoint Representatives Purcell, DeBerry L, Ridgeway, Bittle, McDaniel as the House members of the Conference Committee on Senate Joint Resolution No. 444 should one be required.

RECESS MOTION

On motion of Rep. Purcell, the House stood in brief recess.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Purcell, the roll call was dispensed with.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 520; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 520 -- Memorials, Retirement - Senator Milton H. Hamilton, Jr. by *Wilder, *Atchley.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 447, 465, 514, 515, 516, 517, 518, 519, 521, 522, 523 and 524; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 447 --** General Assembly, Studies - Creates special joint committee to study extension of emergency telephone service (9-1-1) charge to all telephone service users, including wireless technologies. by *Haynes, *Rochelle.

***Senate Joint Resolution No. 465 --** General Assembly, Studies - Creates special joint committee to examine and evaluate creation, powers, and duties and other functions and issues related to improvement districts. by *Kyle.

Senate Joint Resolution No. 514 -- Memorials, Sports - Lebanon High School band. by *Rochelle.

Senate Joint Resolution No. 515 -- Memorials, Interns - Patricia Conn Hilton. by *Crutchfield.

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Senate Joint Resolution No. 516 -- Memorials, Retirement - James D. Brown. by *Person, *Leatherwood.

Senate Joint Resolution No. 517 -- Memorials, Death - June Palmer. by *Crowe, *Wallace.

Senate Joint Resolution No. 518 -- Memorials, Recognition and Thanks - Metropolitan Baptist Church, 100th Anniversary. by *Dixon, *Cohen, *Harper.

Senate Joint Resolution No. 519 -- Memorials, Retirement - Carl L. Lamon, Memphis City Schools. by *Kyle.

Senate Joint Resolution No. 521 -- Memorials, Recognition and Thanks - Bunny Greer, Senate secretary for Senator McNally. by *McNally, *Wilder, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Womack, *Wright.

Senate Joint Resolution No. 522 -- Memorials, Academic Achievement - Blue Springs Elementary School, Finalist in WellKids program. by *Miller J.

Senate Joint Resolution No. 523 -- Memorials, Interns - Heidi Speck. by *Cohen.

Senate Joint Resolution No. 524 -- Memorials, Death - W. Marion Palmer. by *Crowe.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 525, 526 and 527; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 525 -- Memorials, Interns - Kevin S. McClung. by *Kyle.

Senate Joint Resolution No. 526 -- Memorials, Recognition and Thanks - Kay Tidwell, Executive Secretary for Senator Milton Hamilton. by *Hamilton.

Senate Joint Resolution No. 527 -- Memorials, Death - Roy Messer. by *Wallace.

SUPPLEMENTAL CONSENT CALENDAR

House Bill No. 2146 -- Sunset Laws - Human rights commission, June 30, 2000. Amends TCA Title 4, Chapters 21 and 29. by *Kernell, *Garrett, *Brooks. (*SB2005 by *Haynes, *Dixon)

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On motion, House Bill No. 2146 was made to conform with **Senate Bill No. 2005**; the Senate Bill was substituted for the House Bill.

House Bill No. 2155 -- Sunset Laws - Terminates interagency coordination council on welfare independence. Amends TCA Title 4, Chapter 29, and Title 71, Chapter 3. by *Kernell, *Garrett, *Brooks. (*SB1998 by *Haynes)

On motion, House Bill No. 2155 was made to conform with **Senate Bill No. 1998**; the Senate Bill was substituted for the House Bill.

House Bill No. 2822 -- Utilities, Utility Districts - Increases board of commissioners for Ocoee Utility District, Polk County, from three to five members. Amends TCA Section 7-82-307. by *Newton. (*SB2616 by *Miller J)

On motion, House Bill No. 2822 was made to conform with **Senate Bill No. 2616**; the Senate Bill was substituted for the House Bill.

***Senate Joint Resolution No. 423** -- Highway Signs - "Malugin Nickell and Sharon Chandler Armstrong Bridge," Beaver Dam Creek, S.R. 50, Hickman County. by *Springer.

***Senate Joint Resolution No. 402** -- Highway Signs - "Sparks-Garner-Sawyer Memorial Bridge," new bridge over Duck River on S.R. 50, Hickman County. by *Springer.

Senate Joint Resolution No. 514 -- Memorials, Sports - Lebanon High School band. by *Rochelle.

Senate Joint Resolution No. 515 -- Memorials, Interns - Patricia Conn Hilton. by *Crutchfield.

Senate Joint Resolution No. 516 -- Memorials, Retirement - James D. Brown. by *Person, *Leatherwood.

Senate Joint Resolution No. 517 -- Memorials, Death - June Palmer. by *Crowe, *Wallace.

Senate Joint Resolution No. 518 -- Memorials, Recognition and Thanks - Metropolitan Baptist Church, 100th Anniversary. by *Dixon, *Cohen, *Harper.

Senate Joint Resolution No. 519 -- Memorials, Retirement - Carl L. Lamon, Memphis City Schools. by *Kyle.

***Senate Joint Resolution No. 447** -- General Assembly, Studies - Creates special joint committee to study extension of emergency telephone service (9-1-1) charge to all telephone service users, including wireless technologies. by *Haynes, *Rochelle.

Senate Joint Resolution No. 521 -- Memorials, Recognition and Thanks - Bunny Greer, Senate secretary for Senator McNally. by *McNally, *Wilder, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella,

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*Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Womack, *Wright.

Senate Joint Resolution No. 522 -- Memorials, Academic Achievement - Blue Springs Elementary School, Finalist in WellKids program. by *Miller J.

Senate Joint Resolution No. 523 -- Memorials, Interns - Heidi Speck. by *Cohen.

Senate Joint Resolution No. 524 -- Memorials, Death - W. Marion Palmer. by *Crowe.

Senate Joint Resolution No. 520 -- Memorials, Retirement - Senator Milton H. Hamilton, Jr. by *Wilder, *Atchley.

***Senate Joint Resolution No. 465** -- General Assembly, Studies - Creates special joint committee to examine and evaluate creation, powers, and duties and other functions and issues related to improvement districts. by *Kyle.

Senate Joint Resolution No. 525 -- Memorials, Interns - Kevin S. McClung. by *Kyle.

Senate Joint Resolution No. 526 -- Memorials, Recognition and Thanks - Kay Tidwell, Executive Secretary for Senator Milton Hamilton. by *Hamilton.

Senate Joint Resolution No. 527 -- Memorials, Death - Roy Messer. by *Wallace.

House Joint Resolution No. 630 -- Memorials, Interns - Summer Brook Henry. by *Windle.

House Joint Resolution No. 631 -- Memorials, Recognition and Thanks - Russell Anne Swafford-Talley. by *Rhinehart, *West, *Rigsby, *Lewis.

House Joint Resolution No. 632 -- Memorials, Academic Achievement - Nathaniel Goggans, National Merit Scholar semi-finalist. by *Wood.

House Joint Resolution No. 633 -- Memorials, Retirement - Dr. Hyran Barefoot. by *Kisber, *McDaniel.

House Joint Resolution No. 635 -- Memorials, Public Service - Dr. Kyron Floyd Kilpatrick. by *Brown.

House Joint Resolution No. 636 -- Memorials, Recognition and Thanks - Smithville Fiddler's Jamboree and Crafts Festival. by *Buck.

House Resolution No. 289 -- Memorials, Interns - Elizabeth Damian Ann Eckstein, Page. by *Halteman Harwell.

House Resolution No. 290 -- Memorials, Interns - Tanya Renee Isabel. by *Turner (Shelby), *Ritchie, *Bell.

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House Resolution No. 291 -- Memorials, Interns - Preston Brian Johnson. by *Armstrong, *Turner (Shelby).

House Resolution No. 292 -- Memorials, Recognition and Thanks - Natalie Margaret Ritchie, Mascot of 99th General Assembly. by *Armstrong, *Burchett, *Tindell, *Boyer, *Bittle, *Dunn, *Purcell, *Herron.

House Resolution No. 293 -- Memorials, Interns - Amy Jo Bradford. by *Herron.

House Resolution No. 294 -- Memorials, Public Service - Hancock High School Medical Clinic. by *Williams (Union).

House Resolution No. 296 -- Memorials, Interns - Shawn David Puckett, Page. by *Eckles.

House Resolution No. 297 -- Memorials - Jaime M. Baber, Page. by *Eckles, *Bragg.

House Resolution No. 298 -- Memorials, Interns - Michael Brent Campbell, Page. by *Eckles.

House Resolution No. 299 -- Memorials, Interns - Perry Sikes, Page. by *Eckles, *Bragg.

House Resolution No. 300 -- Memorials, Public Service - Wayne Fair. by *Windle.

House Resolution No. 301 -- Memorials, Interns - John Riley Robbins. by *Givens, *Phelan, *Windle.

House Resolution No. 302 -- Memorials, Interns - James R. Bryant, Page. by *Arriola.

House Resolution No. 304 -- Memorials, Interns - Kimberly Dawn Todd. by *Herron.

House Resolution No. 305 -- Memorials, Recognition and Thanks - James M. Powers, Jr. by *Hargrove.

House Resolution No. 306 -- Memorials, Recognition and Thanks - Union County Bicentennial Festival. by *Williams (Union).

House Resolution No. 307 -- Memorials, Public Service - Mary Bryant. by *Purcell.

House Resolution No. 308 -- Memorials, Sports - Westview High School cheerleaders. by *Herron.

House Resolution No. 309 -- Memorials, Interns - Thomas Marshall Campbell, Page. by *Eckles.

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House Resolution No. 310 -- Memorials, Interns - Elizabeth Wiley, Senior Page. by *Eckles.

House Resolution No. 311 -- Memorials, Interns - Sylvanus Powell Weathersby, IV, Page. by *Arriola.

House Resolution No. 312 -- Memorials, Interns - Mark John Maracle. by *Herron.

House Resolution No. 313 -- General Assembly, Studies - Creates special house committee to study appropriation process. by *Phelan, *DeBerry L, *Armstrong, *McKee.

House Resolution No. 314 -- Memorials, Sports - Kara Sanders, 1996 Gill Gideon Class A Miss Basketball. by *Herron.

House Resolution No. 315 -- Memorials, Recognition and Thanks - Northwest Tennessee Development District, 25th anniversary. by *Herron.

House Resolution No. 316 -- Memorials, Interns - Vince Wyatt. by *Purcell.

House Resolution No. 317 -- Memorials, Retirement - Coach Joe Daves. by *Callicott, *Head, *Williams (Williamson).

House Resolution No. 318 -- Memorials, Sports - 1995-1996 Gleason High School girls' basketball team, TSSAA District 13-A Tournament champions. by *Herron.

House Resolution No. 319 -- Memorials, Interns - Bethany Ann Willis. by *Ritchie, *Turner (Shelby), *Armstrong.

House Resolution No. 320 -- Memorials, Recognition and Thanks - Marc Everett Hill. by *Purcell.

House Resolution No. 303 -- Memorials, Public Service - Representative Bill Purcell, House Majority Leader. by *Naifeh, *Ridgeway, *DeBerry L, *Hargrove, *Chumney, *Rinks.

House Resolution No. 295 -- Memorials, Public Service - Representative Dan Byrd. by *Naifeh, *Purcell, *Ridgeway, *DeBerry L.

Rep. Ridgeway moved that all members voting aye on House Resolution(s) No(s). 303 and 295 be added as sponsors, which motion prevailed.

Rep. Armstrong moved that all members voting aye on House Resolution(s) No(s). 292 be added as sponsors, which motion prevailed.

Rep. Rigsby moved that all members voting aye on House Joint Resolution(s) No(s). 631, and House Joint Resolution(s) No(s). 301 and 291 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Turner(Hamilton) moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 96 |
| Noes | 0 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Purcell -- 1.

A motion to reconsider was tabled.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

House Bill No. 3034 -- Welfare - Enacts "Families First Act of 1996." Amends TCA Section 13-28-103(4)(B); Section 67-6-667 and Title 71. by *Halteman Harwell, *Bragg, *Bittle, *Rhinehart, *Phillips, *McDaniel, *Walley, *Stamps, *Duer, *Wood, *Dunn, *Buck, *Callicott, *West, *Ford S., *Patton, *Haley, *McAfee, *Venable, *Eckles, *McKee, *Cole (Dyer), *Robinson, *Pruitt, *Garrett, *Newton, *Clabough, *Joyce, *Cantrell, *Cole (Carter), *Beavers, *Gunnels, *Givens, *Byrd. (*SB3151 by *Atchley, *Haun, *Holcomb, *McNally, *Atchley, *Gilbert, *Koella, *Miller J, *Fowler, *Eisea, *Cooper, *Burks, *Womack, *Wright, *Rice, *Jordan, *Hamilton, *Springer, *Wilder, *Carter, *Ford J, *Cohen, *Person, *Leatherwood, *Dixon, *Crowe)

On motion, House Bill No. 3034 was made to conform with **Senate Bill No. 3151**; the Senate Bill was substituted for the House Bill.

Rep. Halteman Harwell moved that Senate Bill No. 3151 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

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On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 2.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 3.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 4.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1 as House Amendment No. 5.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 5 as House Amendment No. 6.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 6 as House Amendment No. 7.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 7 as House Amendment No. 8 as follows:

Amendment No. 8

AMEND Senate Bill No. 3151 by deleting Section 10 and by substituting instead the following:

SECTION 10. (a) In addition to implementing and administering the Families First Program throughout each of the state's ninety-five (95) counties, the commissioner of human services may establish local demonstration projects in order to study additional, innovative efforts to improve the economic and social circumstances of families in need. Provided, however, the department shall have the authority to seek a waiver for and/or implement only three (3) such additional demonstration projects.

These projects shall be:

- (1) One intensive counseling project for absent fathers;
- (2) One project to preserve families wherein one (1) or both parents suffer chemical addiction; and
- (3) One individual development account program as provided in SB 2938/HB 2891 (Chapter ____ of the Public Acts of 1996).

(b) Notwithstanding any provision of Section 9 or this act to the contrary, the department shall not seek a waiver for and/or implement additional demonstration projects, (including a grant diversion program or cashing-out of temporary assistance and/or food stamp benefits), except to

the extent specifically authorized by law enacted by the general assembly after the effective date of this act.

On motion, Amendment No. 8 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 8 as House Amendment No. 9 as follows:

Amendment No. 9

AMEND Senate Bill No. 3151 by adding the following language as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Any individual development accounts or other such accounts established for the benefit of recipients under this act or related programs shall be administered as approved by the Treasurer of the State of Tennessee, who shall prescribe investment procedures for the corpus of such funds in a manner which he determines in consultation with the Commissioners of Human Services and Finance and Administration; provided, further, that the interest accruing from such accounts shall remain in those accounts and shall be distributed to the recipients, on an equitable basis, in the manner determined by the Treasurer in consultation with the Commissioners.

On motion, Amendment No. 9 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 72 |
| Noes | 13 |
| Present and not voting | 2 |

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Patton, Peach, Phelan, Pinion, Ramsey, Rhinehart, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Wood -- 72.

Representatives voting no were: Armstrong, Bowers, Brown, Chumney, DeBerry, L, Eckles, Fitzhugh, Miller, Ritchie, Tindell, Towns, Turner(Shelby), Winningham -- 13.

Representatives present and not voting were: Odom, Turner(Hamilton) -- 2.

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Rep. Halteman Harwell moved that **Senate Bill No. 3151**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 93 |
| Noes | 2 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Miller, Towns -- 2.

Representatives present and not voting were: Bowers -- 1.

A motion to reconsider was tabled.

***House Bill No. 2290** -- Welfare - Revises eligibility requirements and other provisions under AFDC program. Amends TCA Title 71. by *Ritchie. (SB2566 by *Wallace)

Further consideration of House Bill No. 2290, previously considered on today's Calendar.

Rep. Ritchie moved that House Bill No. 2290 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 2290 by deleting all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 71-3-104, is amended by adding the following language as a new, appropriately designated subsection:

() The amount of grant payments made under the AFDC program shall be reduced by twenty percent (20%) if a caretaker

relative of a dependent child fails to obtain preventative health care for the child or if a dependent child fails to attend school in accordance with the provisions of §§49-6-3002, 49-6-3007(e) and 49-2-203(b)(7).

SECTION 2. The twenty percent (20%) reduction from the amount of grant payments required by Section 1 shall not apply if the commissioner of human services determines that the caretaker relative of a dependent child is making a good faith effort to comply with the requirements of this act.

SECTION 3. The department of human services shall request a federal waiver to implement the provisions of this act only if:

(1) SB 3151/HB 3034 known as the "Families First Act of 1996" fails to become a law;

(2) The department makes a determination not to implement the "Families First Act of 1996", SB 3151/HB 3034; or

(3) The federal waivers required for implementing the "Families First Act of 1996" are denied.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that **House Bill No. 2290**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 93 |
| Noes | 1 |
| Present and not voting..... | 1 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Turner(Shelby) -- 1.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

MOTION TO RECESS

On motion of Speaker Naifeh, the House recessed until 8:00 p.m.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Purcell, the roll call was dispensed with.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 800; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 800 -- Criminal Procedure - Deletes procedure for restoring citizenship rights of person convicted of infamous crime, thereby reviving former procedure of petitioning circuit court where petitioner resides. Amends TCA 40-29-105. by *Buck. (*SB1161 by *Kyle)

Senate Amendment No. 2

AMEND House Bill No. 800 by adding the following to the end of subsection (c)(3) of the amendatory language of Section 2:

There is a presumption that a petition filed pursuant to this subsection shall be granted and that the full citizenship rights of the petitioner shall be restored. This presumption may only be overcome upon proof by a preponderance of the evidence that either the petitioner is not eligible for restoration or there is otherwise good cause to deny the petition.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 800**, which motion prevailed by the following vote:

Ayes..... 88
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell,

Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3271; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3271 -- Hamilton County - Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended, by *Stulce, *Sharp, *McAfee, *Wood, *Turner (Hamilton), *Brown. (*SB3262 by *Crutchfield)

Senate Amendment No. 3

AMEND House Bill No. 3271 by deleting from the Section added by House Amendment #1 the language in subsection (a) before the colon and substituting instead the following:

To assist the general sessions court, the county legislative body may appoint one (1) or more judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

AND FURTHER AMEND by deleting from the Section added by House Amendment #1 in subsection (a) subdivisions (1), (2) and (4) in their entirety and substituting instead the following:

(1) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in Tennessee Code Annotated, Title 40, Chapters 5 and 6;

(2) Issuance of mittimus following compliance with the procedures prescribed by Tennessee Code Annotated, §40-5-103;

(4) Setting and approving bonds and the release on recognizance of defendants in accordance with Tennessee Code Annotated, Title 40, Chapter 11.

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 3271**, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3272; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3272 -- Hamilton County - Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended. by *Stulce, *McAfee, *Sharp, *Wood, *Turner (Hamilton), *Brown. (*SB3252 by *Crutchfield)

Senate Amendment No. 3

AMEND House Bill No. 3272 by deleting from the Section added by House Amendment #1 the language in subsection (a) before the colon and substituting instead the following:

To assist the general sessions court, the county legislative body may appoint one (1) or more judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

AND FURTHER AMEND by deleting from the Section added by House Amendment #1 in subsection (a) subdivisions (1), (2) and (4) in their entirety and substituting instead the following:

(1) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in Tennessee Code Annotated, Title 40, Chapters 5 and 6;

(2) Issuance of mittimus following compliance with the procedures prescribed by Tennessee Code Annotated, §40-5-103;

(4) Setting and approving bonds and the release on recognizance of defendants in accordance with Tennessee Code Annotated, Title 40, Chapter 11.

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 3272**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3273; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3273 -- Hamilton County - Subject to local referendum, authorizes two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended. by *Stulce, *Sharp, *McAfee, *Wood, *Turner (Hamilton), *Brown. (*SB3263 by *Crutchfield)

Senate Amendment No. 3

AMEND House Bill No. 3273 by deleting from the Section added by House Amendment #1 the language in subsection (a) before the colon and substituting instead the following:

To assist the general sessions court, the county legislative body may appoint one (1) or more judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

AND FURTHER AMEND by deleting from the Section added by House Amendment #1 in subsection (a) subdivisions (1), (2) and (4) in their entirety and substituting instead the following:

(1) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in Tennessee Code Annotated, Title 40, Chapters 5 and 6;

(2) Issuance of mittimus following compliance with the procedures prescribed by Tennessee Code Annotated, §40-5-103;

(4) Setting and approving bonds and the release on recognizance of defendants in accordance with Tennessee Code Annotated, Title 40, Chapter 11.

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 3273**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2636; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 2636 -- Taxes, Real Property - Specifies that every trust estate entitled to same exemption as if owned by single taxpayer. Amends TCA Title 67, Chapter 5. by *Stamps, *Kent. (*SB2254 by *McNally)

Senate Amendment No. 2

AMEND House Bill No. 2636 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-103 is amended by adding the following new subsection:

(c) With respect to municipalities which fund all or part of the cost of waste disposal by special assessment to the property owner, as authorized in Tennessee Code Annotated, Section 6-2-201(19), the special assessment may be billed in the same manner as municipal real property taxes and the special assessment may be billed on the real property tax notices, but shall not constitute a lien on any affected property or accrue any penalties or interest for late payment. Any municipality that exercises the option of the above method of waste disposal by special assessment shall bear all costs of system modifications necessary to prepare property tax notices.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Stamps moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2636**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion,

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Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
April 25, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1563.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1, 2, 3 and 4.

The Speaker appointed a Conference Committee composed of Senators Kyle, Fowler and Person to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 1563.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1563** -- Guardianship - Changes from 18 to 21 age at which guardianship of minor terminates unless person for whom guardian was appointed shows good cause to court why guardianship should terminate earlier than 21. Amends TCA Title 34. by *Kyle. (HB1328 by *Buck)

Rep. Buck moved that the House refuse to recede from its action in adopting House Amendment(s) No(s). 1, 2, 3 and 4 to Senate Bill No. 1563, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 1563**

Pursuant to Rule No. 73, Representative Buck moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences of the two bodies on Senate Bill No. 1563, which motion prevailed.

The Speaker appointed Representatives Buck, Fowlkes and Stamps as the House members of the Conference Committee on Senate Bill No. 1563.

**MESSAGE FROM THE SENATE
April 25, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1684; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1684 -- Children - Establishes, incrementally, pilot network of community based, family-focused, early childhood education development programs for unserved children, ages three and four, who are Headstart eligible or who are at risk of educational disadvantage or failure due to abuse, neglect, disability, or family dysfunction. Amends TCA Title 49, Chapter 6. by *Purcell, *Turner (Hamilton), *Bragg, *Chumney, *West, *Duer, *Lewis, *McMillan, *Bell, *Jones, S., *DeBerry L., *Pruitt, *Byrd, *McDonald, *Cross, *Ridgeway, *Givens, *Langster, *Odom, *Garrett, *Naifeh, *Armstrong, *Tindell, *Bowers, *Stulce, *Williams (Williamson), *Arriola, *White, *Fitzhugh, *Herron, *Jackson, *Fowlkes, *Brown. (*SB1715 by *Henry, *Dixon, *Harper, *Elsea, *Rice, *Rochelle, *Crowe)

Senate Amendment No. 5

AMEND House Bill No. 1684 by deleting all of the amendatory language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-101, is amended by deleting subsection (f) and by substituting instead the following:

(f)(1) Through a system of competitive grants and technical assistance provided as funding is available, the state department of education may establish, administer and monitor pilot programs of community-based early childhood education and pre-kindergarten programs. Such programs shall be designed to comprehensively address the educational, health and social service needs of children, who are not otherwise eligible for similar programs or who do not have access to such programs, who are ages three (3) and four (4), who live below the poverty line determined pursuant to 42 United States Code, Section 9847 and/or who are at risk of educational disadvantage and failure due to circumstances of abuse, neglect, disability, or who are at risk of state custody due to family dysfunction. A reasonable, sliding fee scale based upon the family's income may be established for a student enrolled in any such program.

(2) All early childhood education and pre-kindergarten programs established under this subsection shall be developed through a collaborative effort of the departments of education, health, children's services, and human services, and shall build upon resources and services within the community. Efforts should be made by the interdepartmental group to gather recommendations from those with expertise in early childhood education, those whose families may have need of such services, and others at the community level who may have particular interest in such programs. Programs should strive to assist families by providing full-day, year-round services. Programs should include a daily component of developmentally appropriate educational activities and, where

possible, child care for the children of parents who need extended day services.

(3) Acting in accordance with Tennessee Code Annotated, Title 4, Chapter 5, the department of education, in consultation with the other affected departments, shall promulgate such rules as shall be reasonably necessary to effectively and efficiently implement the provisions of this act. Such rules shall include, but not necessarily be limited to, policies governing staff qualifications and training, including reasonable timelines for programs to meet the standards established by such rules.

(4) At least once each year, a report of findings and recommendations shall be submitted to the governor, state board of education and general assembly.

SECTION 2. This act shall take effect on July 1, 1996, the public welfare requiring it.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 5 to **House Bill No. 1684**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 503, amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 503** -- General Assembly, Studies - Creates special joint committee to study retention and disposition of court records. by *Purcell, *Hargrove.

Senate Amendment No. 1

AMEND House Joint Resolution No. 503 and further amends that the study committee has to be chaired by State Representative Purcell

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 503**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2883. The Senate refused to recede from its action in nonconcurring in House Amendment No. 1. The Speaker appointed a Conference Committee composed of Senators Dixon, Rice and Jordan to confer with a like committee from the House to resolve the differences of the two bodies on Senate Bill No. 2883.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2883 -- Massage - Redefines "massage establishment" to be business held out to the public; authorizes massage licensure board to promulgate rules and regulations pertaining to ethics, to define somatic therapy and set all education and other requirements for licensure. Amends TCA Title 63, Chapter 18, Part 2. by *Jordan. (*HB2538 by *Chumney, *Odom)

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 2883**

Pursuant to **Rule No. 73**, Representative Chumney moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2883, which motion prevailed.

The Speaker appointed Representatives Chumney, Odom and DeBerry J as the House members of the Conference Committee on Senate Bill No. 2883.

NOTICE TO ACT ON SENATE MESSAGE

House Bill No. 2829 -- Motor Vehicles, Titling and Registration - Authorizes design and issuance of special license plates for members of certain fraternities and sororities. Amends TCA Title 55, Chapter 4, Part 2. by *Armstrong, *Brown, *DeBerry L. (*SB2499 by *Dixon, *Harper)

Rep. Armstrong moved that the Report of the Conference Committee on House Bill No. 2829 be adopted and made the action of the House.

Rep. Armstrong requested that House Bill No. 2829 be moved to the heel of the Message Calendar.

NOTICE TO ACT ON SENATE MESSAGE

House Bill No. 2667 -- Economic and Community Development, Dept. of - Requires director of office of business enterprise to serve as member of each committee or other entity formally or informally attached to department for purposes of developing or recommending state policy to enhance economic and community development. Amends TCA Title 4, Chapter 3, Part 7. by *Brooks, *Armstrong, *Brown, *Turner (Shelby), *Jones R (Shelby), *Bowers, *Pruitt, *DeBerry L, *Miller L, *Jones U (Shelby), *Cantrell, *Langster, *Beavers. (*SB2327 by *Dixon, *Harper)

**CONFERENCE COMMITTEE REPORT
ON HOUSE BILL NO. 2667**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2667 (Senate Bill No. 2327) has met and recommends that Senate Amendment No. 1 be concurred in.

The Committee further recommends that the following amendment be adopted:

Amend Senate Bill No. 2327/House Bill No. 2667 by adding the following sentence at the end of the amendatory language of Section 1:

The general assembly urges the department of economic and community development to develop an enhanced policymaking role for minority business.

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Senator Randy McNally
Senator Carol Rice
Senator Roscoe Dixon

Representative Henri Brooks
Representative Rufus Jones
Representative Howard Kerr

Rep. Brooks moved that the Report of the Conference Committee on **House Bill No. 2667** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 4.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 8 and requested a Conference Committee.

The Speaker appointed a Conference Committee composed of Senators Miller, Rochelle and Cohen to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Joint Resolution No. 4.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

***Senate Joint Resolution No. 4** – Constitutional Amendments - Removes constitutional prohibition on lotteries. by *Cohen.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE JOINT RESOLUTION NO. 4**

Pursuant to **Rule No. 73**, Representative Kernell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Joint Resolution No. 4, which motion prevailed.

The Speaker appointed Representatives Kernell, Westmoreland and Jackson as the House members of the Conference Committee on Senate Joint Resolution No. 4.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 906 -- Sales - Enacts "Prevention of Youth Access to Electronic Pagers Act of 1995.", by *Brooks, *Turner (Shelby), *Brown, *Pruitt, *Miller L, *Bowers, *Towns, *Jones U (Shelby), *DeBerry L, *Langster, *Byrd. (*SB641 by *Dixon)

Rep. Brooks requested that House Bill No. 906 be moved to the heel of the Message Calendar.

**MESSAGE FROM THE SENATE
April 25, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 444. The Senate refused to recede from its action in nonconcurring in House Amendment No. 8. The Speaker appointed a Conference Committee composed of Senators Crutchfield, Rochelle, Atchley, Elsea and Wright to confer with a like committee from the House to resolve the differences of the two bodies on the resolution.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGE

Senate Joint Resolution No. 444 -- General Assembly, Adjournment, Recess - Adjourns 99th General Assembly sine die on Wednesday, April 24, 1996. by *Burks, *Crutchfield, *Atchley.

HOUSE ACTION ON SENATE MESSAGE

Senate Joint Resolution No. 444 -- General Assembly, Adjournment, Recess Adjourns 99th General Assembly sine die on Wednesday, April 24, 1996. by *Burks, *Crutchfield, *Atchley.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE JOINT RESOLUTION NO. 444**

Pursuant to **Rule No. 73**, Representative Purcell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the

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differences between the two bodies on Senate Joint Resolution No. 444, which motion prevailed.

The Speaker appointed Representatives Purcell, Ridgeway, Bittle, McDaniel and DeBerry L as the House members of the Conference Committee on Senate Joint Resolution No. 444.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2829.

The Speaker appointed a Conference Committee composed of Senators Dixon, Haun and Hamilton to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 2829.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGE

House Bill No. 2829 -- Motor Vehicles, Titling and Registration - Authorizes design and issuance of special license plates for members of certain fraternities and sororities. Amends TCA Title 55, Chapter 4, Part 2. by *Armstrong, *Brown, *DeBerry L. (*SB2499 by *Dixon, *Harper)

CONFERENCE COMMITTEE REPORT
ON HOUSE BILL NO. 2829

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2829 (Senate Bill No. 2499) has met and recommends that House Amendment No. 1 be adopted and that Senate Amendment No. 5 be adopted.

The Committee further recommends that the following amendment be adopted:

be deleting the language "one thousand (1,000) such plates", in the amendatory Section added by Senate amendment No. 5 and by substituting instead the language "two hundred fifty (250) such plates".

AND FURTHER AMEND by deleting the language "in excess of one thousand (1,000)" in the amendatory Section added by Senate Amendment No. 5 and by substituting instead the language "in excess of two hundred fifty (250)".

Senator Tommy Haun
Senator Milton Hamilton
Senator Roscoe Dixon

Representative Joe Armstrong
Representative Ulysses Jones
Representative Tim Burchett

Rep. Armstrong moved that the Report of the Conference Committee on House Bill No. 2829 be adopted and made the action of the House.

Rep. Jones U (Shelby) moved the previous question, which motion prevailed.

Rep. Armstrong moved that the Report of the Conference Committee on **House Bill No. 2829** be adopted and made the action of the House, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 96.

A motion to reconsider was tabled.

SUPPLEMENTAL REGULAR CALENDAR NO. 2

***House Bill No. 2094** -- Animals - Creates Class A misdemeanor offense of aggravated cruelty to animal. Amends TCA Section 39-14-202. by *West. (SB2417 by *Harper, *Koella, *Cohen)

On motion, House Bill No. 2094 was made to conform with **Senate Bill No. 2417**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 2417 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2417 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-202(a), is amended by deleting item (1) in its entirety and by substituting instead the following:

- (1) Grossly overworks an animal;

SECTION 2. Tennessee Code Annotated, Section 39-14-202, is amended by adding the following as a new subsection (b) and by relettering the existing subsection (b) and subsequent subsections accordingly:

(b) A person commits the offense of aggravated animal cruelty who intentionally or knowingly tortures, mutilates or maims an animal resulting in the infliction of pain upon, serious physical injury to, or the death of such animal.

SECTION 3. Tennessee Code Annotated, Section 39-14-202, is further amended by deleting existing subsection (f) and substituting instead the following:

(f)(1) A violation of subsection (a) of this section is a Class A misdemeanor.

(2) A violation of subsection (b) of this section is a Class E felony.

(g) The provisions of this section shall not apply to activities or conduct that is prohibited by Tennessee Code Annotated, Section 39-14-203.

SECTION 4. This act shall take effect July 1, 1996, the public welfare requiring it.

Rep. Buck moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND Amendment No. 1 by adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 39-14-202, is amended by adding a new subsection thereto, as follows:

() Nothing in this section shall be construed as prohibiting the owner of birds used for commercial purposes or someone acting on behalf of such owner from engaging in customary practices to ensure that the commercial properties of such birds are maintained.

This amendment would exclude customary practices relative to birds used for commercial purposes from the acts that would constitute animal cruelty.

Rep. Davidson moved to re-refer Senate Bill No. 2417 to the Agriculture Committee.

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

Rep. West moved that the motion to re-refer be tabled, which motion failed by the following vote:

| | |
|------------------------------|----|
| Ayes | 26 |
| Noes | 65 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Bowers, Brooks, Buck, Byrd, Cantrell, Chumney, DeBerry, J., DeBerry, L., Garrett, Halteman Harwell, Jones, S., Langster, McAfee, McMillan, Odom, Pinion, Purcell, Ritchie, Robinson, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), West -- 26.

Representatives voting no were: Arriola, Beavers, Bell, Bird, Bittle, Bragg, Brown, Burchett, Callicott, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Joyce, Kent, Kerr, Lewis, McDaniel, McDonald, Miller, Napier, Newton, Patton, Peach, Phelan, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Sharp, Shirley, Towns, Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 65.

Representatives present and not voting were: Jones, U. (Shelby) -- 1.

A motion to reconsider was tabled.

Senate Bill No. 2417 was re-referred to the Agriculture Committee.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 462 and 528; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 462** -- General Assembly, Studies - Creates special joint committee to study issues relative to cellular telephones. by *Kyle.

Senate Joint Resolution No. 528 -- General Assembly, Adjournment, Recess Provides for adjournment sine die on Friday, April 26, 1996. by *Atchley, *Crutchfield.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 451; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 451** -- General Assembly, Studies - Creates special joint committee to study trend of deinstitutionalization of mentally retarded persons and downsizing of populations of four developmental centers. by *Haynes.

SUPPLEMENTAL REGULAR CALENDAR NO. 3

***Senate Joint Resolution No. 451** -- General Assembly, Studies - Creates special joint committee to study trend of deinstitutionalization of mentally retarded persons and downsizing of populations of four developmental centers. by *Haynes.

Rep. West moved that the House concur in **Senate Joint Resolution No. 451**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 462** -- General Assembly, Studies - Creates special joint committee to study issues relative to cellular telephones. by *Kyle.

Rep. Jones U (Shelby) moved that the House concur in **Senate Joint Resolution No. 462**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner

(Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 477** -- General Assembly, Studies - Creates special joint committee to study issues relative to selection and use of special and pro tempore judges. by *Person.

Rep. Buck moved that the House concur in **Senate Joint Resolution No. 477**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 906 -- Sales - Enacts "Prevention of Youth Access to Electronic Pagers Act of 1995.", by *Brooks, *Turner (Shelby), *Brown, *Pruitt, *Miller L, *Bowers, *Towns, *Jones U (Shelby), *DeBerry L, *Langster, *Byrd. (*SB641 by *Dixon)

Senate Amendment No. 4

AMEND House Bill No. 906 by deleting the wording and letter "(D) Bobcat (Lynx rufus):" in 70-4-403 (4)(D). The following letters will be appropriately relettered.

Senate Amendment No. 5

AMEND House Bill No. 906 by deleting from Section 7(b)(4), as amended, the language "on the parent or guardian of such person".

AND FURTHER AMEND by adding the following language at the end of Section 7(b)(4):

Provided, however, this penalty may not be imposed if the person in possession of such pager has parental consent even if such person does not have the parent's or guardian's written consent as specified in Section 4(d).

Senate Amendment No. 8

AMEND House Bill No. 906 by deleting Amendment No. 4.

Senate Amendment No. 9

AMEND House Bill No. 906 by deleting the following:

Knox County
Hamilton County
Madison County
Sullivan County

Rep. Brooks moved that the House concur in Senate amendment(s) No(s). 4, 5, 8 and 9 to House Bill No. 906.

Rep. Arriola moved that the motion to concur in Senate Amendment(s) No(s). 4, 5, 8 and 9 be tabled, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 60 |
| Noes | 26 |
| Present and not voting | 2 |

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Burchett, Callicott, Cantrell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, Duer, Eckles, Fitzhugh, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kisber, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Pinion, Ramsey, Ridgeway, Rigsby, Roach, Sharp, Shirley, Stulce, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Wood -- 60.

Representatives voting no were: Armstrong, Bowers, Brown, Buck, Chumney, Coffey, Davidson, DeBerry J, DeBerry L, Dunn, Ford, Hassell, Jones U (Shelby), Kerr, Langster, Patton, Pruitt, Purcell, Rhinehart, Rinks, Ritchie, Robinson, Stamps, Tindell, Towns, Turner(Shelby) -- 26.

Representatives present and not voting were: Fowlkes, Winningham -- 2.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2563. the Senate nonconcurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MOTION TO RECONSIDER

Rep. Davidson moved to lift from the table the motion to reconsider Senate bill No. 2563, which motion prevailed.

Senate Bill No. 2563 -- Education - Authorizes pilot alternative school program for K-12 in three systems of 7,000 or less, one in each grand division to determine most effective methods; appropriates \$25,000 each. Amends TCA Title 49, Chapter 6. by *Womack, *Harper. (*HB2374 by *Davidson)

Rep. Davidson moved to reconsider action in passing Senate Bill No. 2563, which motion prevailed.

On motion the House reconsidered its action in adopting Amendment No. 2. On motion, Amendment No. 2 was withdrawn.

Rep. Davidson moved the **Senate Bill No. 2563** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes..... | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2136. The Senate refused to recede from its action in nonconcurring in House Amendment No. 1.

The Speaker appointed a Conference Committee composed of Senators Person, Jordan and Haynes to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 2136.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGE

***Senate Bill No. 2136** -- Judges and Chancellors - Requires state court judge or chancellor to certify sickness or disability so that special judge may be appointed. Amends TCA Section 17-2-116. by *Person. (HB3174 by *Purcell, *Hargrove, *Chumney)

**REPORT OF CONFERENCE COMMITTEE
ON SENATE BILL NO. 2136**

Rep. McMillan reported that the Conference Committee could not reach an agreement on Senate Bill No. 2136.

House Resolution No. 322 -- Memorials, Public Service - Tennessee Association in Education, Partners in Education Week. by *Joyce.

Rep. Joyce moved that **House Resolution No. 322** be adopted, which motion prevailed.

House Resolution No. 323 -- Memorials, Interns - Nia Angelique Glenn-Lopez. by *DeBerry J.

Rep. DeBerry J moved that **House Resolution No. 323** be adopted which motion prevailed.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 328. The Senate nonconcurred in House Amendments No(s). 1 and 3; and concurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

Senate Joint Resolution No. 328 -- Naming and Designating - Observe Ten Commandments, May 5-15, 1996. by *Atchley, *Koella, *Wright, *Fowler, *Rice, *Miller J, *Holcomb, *McNally, *Jordan, *Gilbert, *Person, *Elsea, *Carter, *Leatherwood, *Burks, *Hamilton, *Crowe, *Wilder, *O'Brien, *Haynes.

Rep. Purcell moved that the House refuse to recede from its action in adopting House Amendment(s) No(s). 1 and 3.

Speaker Naifeh asked if there was objection to the previous question. There was objection to the question, and a vote was taken on the motion. The previous question prevailed by the following vote:

Ayes 60
Noes 28

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Hassell, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, White, Williams (Williamson -- 80.

Representatives voting no were: Beavers, Bird, Bittle, Burchett, Cantrell, Davis, Duer, Dunn, Ford, Gunnels, Haley, Huskey, Joyce, Kerr, McAfee, McDaniel, Pinion, Ramsey, Sharp, Shirley, Stamps, Walley, Westmoreland, Whitson, Williams(Union), Windle, Winningham, Wood -- 28.

A motion to reconsider was tabled.

Rep. Purcell moved that the House refuse to recede from its action in adopting House Amendment(s) No(s). 1 and 3, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 906 -- Sales - Enacts "Prevention of Youth Access to Electronic Pagers Act of 1995." by *Brooks, *Turner (Shelby), *Brown, *Pruitt, *Miller L, *Bowers, *Towns, *Jones U (Shelby), *DeBerry L, *Langster, *Byrd. (*SB641 by *Dixon)

Further consideration of House Bill No. 906, previously considered on today's Message Calendar, at which time the motion to concur in Senate Amendment(s) No(s). 4, 5, 8, and 9 was tabled.

Senate Amendment No. 4

AMEND House Bill No. 906 by deleting the wording and letter "(D) Bobcat (Lynx rufus):" in 70-4-403 (4)(D). The following letters will be appropriately relettered.

Senate Amendment No. 5

AMEND House Bill No. 906 by deleting from Section 7(b)(4), as amended, the language "on the parent or guardian of such person".

AND FURTHER AMEND by adding the following language at the end of Section 7(b)(4):
4(d).

Provided, however, this penalty may not be imposed if the person in possession of such pager has parental consent even if such person does not have the parent's or guardian's written consent as specified in Section

Senate Amendment No. 8

AMEND House Bill No. 906 by deleting Amendment No. 4.

Senate Amendment No. 9

AMEND House Bill No. 906 by deleting the following:

Knox County
Hamilton County
Madison County
Sullivan County

Rep. Brooks moved that the House nonconcur in Senate Amendment(s) No(s). 4, 5, 8 and 9 to House Bill No. 906, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

SPECIAL ORDER

Rep. Purcell moved that House Bill(s) No(s). 3165 and 3162 be moved to the Heel of the Calendars.

REGULAR CALENDAR, CONTINUED

House Bill No. 2224 -- Taxes, Tobacco, Tobacco Products - Enacts "Tobacco Manufacturing Revenue Tax." - Amends TCA Title 67. by *Phelan. (*SB2108 by *Cooper)

On motion of Rep. Phelan, **House Bill No. 2224** was withdrawn from the House.

House Bill No. 1539 -- Education - Deletes requirement that any superintendent or director of schools, appointed to such office by popularly elected school board, only have baccalaureate degree in order to hold such office. Amends TCA 49-2-301. by *Winningham, *McAfee, *Duer, *Curtiss. (*SB1333 by *Burks)

Further consideration of House Bill No. 1539, previously considered on today's Calendar.

Rep. Winningham moved to lay House Bill No. 1539 on the table, which motion prevailed.

House Bill No. 1225 -- Fire Prevention and Investigation - Establishes Fire Service and Codes Enforcement Academy in department of commerce and insurance; provides for construction of new training academy facility. Amends TCA Title 68, Chapter 102. Repeals TCA 49-8-701. by *Bragg. (*SB920 by *Womack)

Further consideration of House Bill No. 1225, previously considered on today's Calendar.

Rep. Bragg moved to re-refer House Bill No. 1225 to the Finance, Ways & Means Committee, which motion prevailed.

House Bill No. 2085 -- Election Laws - Extends election commission office hours of fourth class counties if registrar certified; revises percentage basis for calculating salary of certified registrars; increases state contributions to compensation. Amends TCA Section 2-12-208; Section 2-12-209 and Section 2-2-108. by *Bragg, *Head. (*SB2095 by *Rochelle)

Further consideration of House Bill No. 2085, previously considered on today's Calendar.

Rep. Bragg requested that House Bill No. 2085 be moved to the heel of the Calendar.

House Bill No. 3058 -- Sentencing - Raises fees imposed on offenders serving sentences under supervision of community corrections grantee. Amends TCA Title 40, Chapter 36. by *McKee, *Bittle, *McDaniel, *Gunnels, *Roach, *Rhinehart, *Cole (Carter), *Rinks, *Phelan, *Davis, *Newton. (*SB3173 by *McNally, *Atchley, *Leatherwood, *Koella, *Elsea, *Hamilton, *Person)

Further consideration of House Bill No. 3058, previously considered on today's Calendar.

On motion, House Bill No. 3058 was made to conform with **Senate Bill No. 3173**; the Senate Bill was substituted for the House Bill.

Rep. McKee moved that Senate Bill No. 3173 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 3173 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 40-36-306, is amended by adding the following new subsection (f):

(f) In addition to any other fees imposed by this section, the trial court may assess an additional fee against any offender sentenced to participate in a community corrections program, either as a community corrections sentence or as a condition of probation, to offset the cost of the program; provided, however, that the program is one that has been certified by the department of correction as meeting promulgated criteria relating to achievement of goals and cost of the program.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McKee moved that **Senate Bill No. 3173**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman

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Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

House Bill No. 2501 -- Custody and Support - Creates presumption that shared parental responsibility is in best interests of minor child; establishes procedure for awarding custody. Amends TCA Section 36-6-101. by *Patton, *Ford S, *Bowers, *Sharp, *Pinion. (*SB2580 by *Crowe)

Further consideration of House Bill No. 2501, previously considered on today's Calendar.

On motion, House Bill No. 2501 was made to conform with **Senate Bill No. 2580**; the Senate Bill was substituted for the House Bill.

Rep. Patton moved that Senate Bill No. 2580 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 2.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Patton moved that **Senate Bill No. 2580** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 93 |
| Noes | 1 |

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eccles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

Representatives voting no were: Byrd -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3099; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 3099** -- Adoption - Repeals contact veto provisions of 1995 law; revives pre-1995 law. Amends and repeal various provisions of TCA Title 36 and Title 37. Repeals various provisions of TCA Title 36 and Title 37. by *Fowler, *Henry. (HB2927 by *Chumney)

REGULAR CALENDAR, CONTINUED

House Bill No. 2927 -- Adoption - Repeals contact veto provisions of 1995 law; revives pre-1995 law. Amends and repeal various provisions of TCA Title 36 and Title 37. Repeals various provisions of TCA Title 36 and Title 37. by *Chumney. (*SB3099 by *Fowler, *Henry)

Further consideration of House Bill No. 2927 previously considered on today's Calendar.

On motion, House Bill No. 2927 was made to conform with **Senate Bill No. 3099**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 3099 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 3.

Rep. Rigsby moved the previous question, which motion prevailed.

Rep. Chumney moved that **Senate Bill No. 3099** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 1

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Bird -- 1.

A motion to reconsider was tabled.

***House Bill No. 2388** -- Environment and Conservation, Department of - Requires department to acquire Dale Hollow Lake and surrounding property if federal government attempts to sell such property - to direct the department of conservation to acquire certain property. by *Windle, *Cantrell, *Winningham, *Buck.

Further consideration of House Bill No. 2388, previously considered on today's Calendar.

Rep. Windle moved that House Bill No. 2388 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

MOTION TO RECESS

On motion of Speaker Naifeh, the House recessed for 15 minutes.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Purcell the House dispensed with the calling of the roll.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2381. The Senate refused to recede from its action in adopting Amendment(s) No(s). 1, 2, 3, 10 and 11.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2381 -- Firearms and Ammunition - Revises procedures for obtaining firearms permit Amends TCA Title 39, Chapter 17, Part 13. by *Hargrove, *Bittle, *Boyer, *Peach, *McDaniel, *Williams (Union), *Stamps, *Ramsey, *Davis, *Newton, *Beavers, *McAfee, *Robinson, *Lewis, *Givens, *Winningham, *Buck, *Rinks, *Pinion, *Phelan, *Walley, *White, *Rigsby, *Fitzhugh, *Westmoreland, *Venable, *Roach, *West, *Haley, *Shirley, *Dunn, *Burchett, *Callicott, *Jackson, *Duer, *Ford S, *Sharp, *Curtiss, *Stulce. (*SB2320 by *Haun, *Wallace, *Cohen, *Koella, *Rice, *Leatherwood, *Atchley, *Person, *McNally, *Holcomb)

Rep. Hargrove moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1, 2, 3, 10 and 11, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 2381**

Pursuant to **Rule No. 73**, Representative Hargrove moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 2381, which motion prevailed.

The Speaker appointed Representatives Hargrove, Curtiss and Bittle as the House members of the Conference Committee on House Bill No. 2381.

**MESSAGE FROM THE SENATE
April 25, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2381.

The Speaker appointed a Conference Committee composed of Senators Haun, Rochelle and Miller to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 2381.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 25, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2095; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2095** -- Election Laws - Extends election commission office hours of fourth class counties if registrar certified; revises percentage basis for calculating salary of certified registrars; increases state contributions to compensation. Amends TCA Section 2-12-208; Section 2-12-209 and Section 2-2-108. by *Rochelle. (HB2085 by *Bragg, *Head)

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

House Bill No. 2085 -- Election Laws - Extends election commission office hours of fourth class counties if registrar certified; revises percentage basis for calculating salary of certified registrars; increases state contributions to compensation. Amends TCA Section 2-12-208; Section 2-12-209 and Section 2-2-108. by *Bragg, *Head. (*SB2095 by *Rochelle)

Further consideration of House Bill No. 2085, previously considered on today's Calendar.

On motion, House Bill No. 2085 was made to conform with **Senate Bill No. 2095**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 2095 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Head moved the previous question, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 63 |
| Noes | 21 |
| Present and not voting..... | 2 |

Representatives voting aye were: Armstrong, Beavers, Bittle, Bowers, Bragg, Buck, Byrd, Cantrell, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., Duer, Eckles, Ford, Fowlkes, Garrett, Givens, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Kent, Langster, Lewis, McAfee, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, White, Williams (Williamson), Windle, Wood -- 63.

Representatives voting no were: Bird, Brooks, Brown, Burchett, Callicott, Chumney, Clabough, DeBerry L, Dunn, Fitzhugh, Haley, Joyce, Kerr, Odom, Peach, Ramsey, Shirley, Stamps, Venable, Westmoreland, Whitson -- 21.

Representatives present and not voting were: Kernell, Purcell -- 2.

Rep. Bragg moved that **Senate Bill No. 2095**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 72 |
| Noes | 17 |
| Present and not voting..... | 2 |

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Peach, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, White, Whitson, Williams (Williamson), Windle, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Burchett, Chumney, Clabough, Dunn, Haley, Halteman Harwell, Jones, S., Joyce, Kerr, Odom, Patton, Ramsey, Sharp, Shirley, Stamps, Westmoreland, Wood -- 17.

Representatives present and not voting were: McAfee, Ritchie -- 2.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 529; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 529 -- Memorials, Retirement - Senator Jim Holcomb. by *Atchley.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

Senate Joint Resolution No. 529 -- Memorials, Retirement - Senator Jim Holcomb. by *Atchley.

Rep. Venable moved that Senate Joint Resolution No. 529 be concurred in, which motion prevailed.

STUDY COMMITTEE APPOINTED

Speaker Naifeh appointed the subcommittee on Health & Human Resources as a study committee to study the Cash Out Program.

MOTION TO RECESS

On motion of Speaker Naifeh, the House recessed for 15 minutes.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Purcell the House dispensed with the calling of the roll.

UNFINISHED BUSINESS

SIGNED

April 25, 1996

The Speaker signed the following: House Resolution(s) No(s). 204, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275 and 276.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 25, 1996

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 204, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275 and 276; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 379; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 917, 1862, 1946, 2143, 2210, 2745, 2781, 2833, 2871, 2892, 2914, 2943, 2986, 3005, 3007, 3008, 3062, 3135, 3136, 3138, 3185, 3201 and 3212; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 351, 889, 1137, 1562 and 2131; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 351 -- Hospitals and Health Care Facilities - Establishes new CON requirements for new nursing home beds; authorizes CON for certain special demonstration or experiment project for long-term care service or system never provided in Tennessee. Amends TCA Title 68, Chapter 11. by *Cooper.

***Senate Bill No. 889** -- Public Defenders - Authorizes 17 new assistant public defender positions. Amends TCA Title 8, Chapter 14. by *Crowe, *Atchley, *Gilbert, *Rochelle.

Senate Bill No. 1137 -- Firefighters - Authorizes state fire service academy. Amends TCA Title 68, Chapter 102. Repeals TCA 49-8-701. by *Womack, *Haun, *Leatherwood, *Wright, *Person, *Cooper, *McNally, *Rice, *Carter, *Koella, *Elsea, *Holcomb, *Crutchfield, *O'Brien, *Wallace, *Crowe, *Springer, *Hamilton, *Miller J.

***Senate Bill No. 1562** -- Civil Procedure - Permits violator of municipal ordinance to perform community service rather than to pay monetary fine or fee. Amends TCA Title 40, Chapter 24, Part 1. by *Kyle.

***Senate Bill No. 2131** -- Judicial Districts - Creates additional court and position of judge in 21st judicial district. Amends TCA Section 16-2-506. by *Jordan.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 2688, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 3319, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 25, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1848, 3321, 3323, 3326 and 3331; also, House Joint Resolution(s) No(s). 414, 536, 544, 626, 627 and 628.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 25, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 541.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2770, 2946, 3082 and 3285; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 25, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2463 and 3111; also, House Joint Resolution(s) No(s). 221 and 277.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2895; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3177; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 3177** -- Appropriations - Defrays expense of operating state government for fiscal year 1996-1997. by *Henry, *McNally, *Atchley, *Eisea. (HB3165 by *Bittle, *Bragg, *Head, *Kisber, *Davis, *McDaniel)

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1980, 2673 and 3063; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2385, 2452, 2753, 2754 and 3178; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2385** -- Human Rights - Expands membership and duties of human rights commission. Amends TCA Title 4, Chapter 21, Part 2 and Title 4, Chapter 29, Part 2. by *Crutchfield.

***Senate Bill No. 2452** -- Drug and Alcohol Rehabilitation - Creates Job Survival Skills Training Program as pilot project in department of health, alcohol and drug abuse services, to be administered through certain not-for-profit community-based, licensed residential and outpatient treatment facility in Shelby County; subject to appropriation. by *Dixon, *Cohen, *Person, *Dixon, *Cooper, *Ford J.

***Senate Bill No. 2753** -- Bond Issues - Authorizes bond issue of up to \$14 million by department of environment and conservation for acquisition and development at Henry Horton and Pickwick state parks. by *Wilder.

***Senate Bill No. 2754** -- Interstate Compacts - Authorizes Chickasaw Trail Economic Development Compact. by *Wilder.

***Senate Bill No. 3178** -- Bond Issues - Authorizes \$355.5 million bond issue to fund state projects. by *Henry, *McNally, *Atchley, *Eisea, *Carter.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 544; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 25, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2021, 2455, 2489, 2536, 2539, 3291 and 3006; also, House Joint Resolution(s) No(s). 431, 469 and 571; with his approval.

HARDY MAYS, Counsel to the Governor.

SIGNED

April 25, 1996

The Speaker signed the following: House Resolution(s) No(s). 200, 212, 217, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286 and 287.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 25, 1996

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 200, 212, 217, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286 and 287; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 25, 1996

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 186, 278, 403, 415, 444, 458, 461, 463, 464, 525, 570, 572, 573, 574, 575, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 598, 599, 600, 601, 602, 603, 604, 605, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 625.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 25, 1996

The Speaker signed the following: House Joint Resolution(s) No(s). 186, 278, 403, 415, 444, 458, 461, 463, 464, 525, 570, 572, 573, 574, 575, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 598, 599, 600, 601, 602, 603, 604, 605, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 625 .

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 25, 1996

The Speaker signed the following: Senate Bill(s) No(s). 1975, 2179, 2207, 2224, 2441, 2702 and 3005; also, Senate Joint Resolution(s) No(s). 452, 454, 456, 458, 459, 460, 461, 467, 468, 469, 471, 472, 473, 474, 475, 476, 479, 480, 481, 482, 483, 484, 485, 486, 487, 489 and 490.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3111. The Senate lifted the tabling motion on the bill; reconsidered the bill and conformed and substituted for Senate Bill No. 2688; then passed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 323, 339, 384, 391, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503 and 508; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3134; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 25, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 335.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
April 25, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2144 and 2636.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 513, 536, 541, 626, 627 and 628; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 561, 3219, 3320, 3321 and 3331; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3319; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 3319 -- Milan - Subject to local approval, rewrites city charter. by *Carter.

SIGNED

April 25, 1996

The Speaker signed the following: Senate Joint Resolution(s) No(s). 323, 339, 384, 391, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503 and 508.

ENGROSSED BILLS

April 25, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 630, 631, 632, 633, 635 and 636.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 25, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2290.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

ENROLLED BILLS

April 25, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2463.

BETTY KAY FRANCIS, Chief Engrassing Clerk.

SIGNED

April 25, 1996

The Speaker signed the following: House Bill(s) No(s). 2463.

BETTY KAY FRANCIS, Chief Engrassing Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 745, 2144, 2463 and 3227; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 3134, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 448 and 508; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 630, 631, 632, 633, 635 and 636; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2707. The Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 1; withdrew Amendment No. 1; then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2445; The Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 1; withdrew Amendment No. 1; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 186, 278, 403, 415, 444, 458, 461, 463, 464, 525, 570, 572, 573, 574, 575, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 598, 599, 600, 601, 602, 603, 604, 605, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 625; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3326; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGE

***Senate Bill No. 1563** -- Guardianship - Changes from 18 to 21 age at which guardianship of minor terminates unless person for whom guardian was appointed shows good cause to court why guardianship should terminate earlier than 21. Amends TCA Title 34. by *Kyle. (HB1328 by *Buck)

**CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 1563**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate bill No. 1563 (House Bill No. 1328) has met and recommends that the following House amendments be deleted:

House Amendment No. 2
House Amendment No. 4

The Committee further recommends that the following amendments be adopted:

House Amendment No. 1
House Amendment No. 3

The Committee further recommends that the following amendment be adopted:

by deleting subdivisions (1), (2), and (3) from Section 1(b) and substituting instead the following:

(1) When the minor for whom a guardian of the estate of the minor is serving attains the age of eighteen (18) years, such guardianship shall terminate.

(2) Any interested person, including by not limited to the guardian of the estate of the minor, may not more than ninety (90) days before the minor attains the age of eighteen (18) years and not later than the filing of the preliminary final accounting, petition the court to continue the guardianship for a period of time not to extend beyond the person's twenty-fifth (25th) birthday. a copy of the petition shall by served on the minor or it must be shown that the minor has actual notice of the filing of the petition.

(3) the burden of demonstrating why the guardianship of the estate of such person should continue shall be on the person seeking the continuation of the guardianship. In determining whether to terminate the guardianship, the court shall consider whether the termination is in the best interest of the person, and the court shall consider the ability of the person to wisely manage and control the property irrespective of whether special needs exist. If the court so finds, the court shall continue the guardianship for a longer period of time not to extend beyond the person's twenty-fifth (25th) birthday. provided, however, the court may permit either the payment of a portion of the estate or the establishment of a distribution schedule upon request of any party. If the court does not continue the guardianship, in the discretion of the court the minor may receive attorney's fees from the person petitioning the court for continuation of the guardianship.

AND FURTHER AMEND by deleting the effective date section and substituting instead the following:

THURSDAY, APRIL 25, 1996 -- EIGHTY- NINTH LEGISLATIVE DAY

This act shall take effect January 1, 1997; provided, however, the provision of this act amending Tennessee Code Annotated, Section 34-13-106, shall take effect July 1, 1996, the public welfare requiring it.

Senator Curtis Person
Senator James Kyle
Senator David Fowler

Representative Frank Buck
Representative Randy Stamps
Representative Joe Fowlkes

Rep. buck moved that the Report of the Conference Committee on **Senate Bill No. 1563** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes..... 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1563.
The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 25, 1996

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 4.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2463; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MOTION TO RECESS

On motion of Speaker Naifeh, the House recessed.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Purcell, the House dispensed with the calling of the roll.

RECESS MOTION

Rep. Purcell moved that the House recess until 10:00 a.m., Friday, April 26, 1996, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 65 |
| Noes | 23 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Curtiss, Davidson, Davis, DeBerry, L., Fitzhugh, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Huskey, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Langster, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Odom, Patton, Pruitt, Purcell, Ramsey, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Winningham, Wood -- 65.

Representatives voting no were: Brooks, Buck, Burchett, Coffey, Cross, DeBerry, J., Duer, Dunn, Eckles, Ford, Gunnels, Herron, Hicks, Kerr, Lewis, McKee, Newton, Peach, Phelan, Rigsby, Stamps, Williams (Union), Windle -- 23.

A motion to reconsider was tabled.